The Solicitors' Journal and Weekly Reporter.

(ESTABLISHED IN 1857.)

LONDON, MAY 24, 1924.

ANNUAL SUBSCRIPTION, PAYABLE IN ADVANCE.

£2 12s.; by Post, £2 14s.; Foreign, £2 16s.
HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.
All letters intended for publication must be authenticated by the name of the writer.

GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The Postponement of the Law of Property Act.

IT WILL BE seen from an answer given by the Attorney-General in Parliament which we print elsewhere, that it is clear that it will be necessary to postpone the operation of the Law of Property Act for a year, that is, till 1st January, 1926; but this is prefaced by "I think." We have pointed out before that it is practically impossible for the Act to come into force at the date at present fixed, and we repeat our surprise that the Government are still unwilling to make a definite statement. The Consolidation Bills have not yet been published, and from the Attorney-General's answer, it appears that they have not yet been received. We presume that means that Mr. Justice ROMER'S Committee and the draftsmen have not yet got the Bills into final form for submission to the Government. It is not going too far to say that the changes in the law will revolutionize conveyancing; and the revolution cannot be sprung on the profession until there has been time to prepare text books and precedent books. This, of course, cannot be done until the Consolidation Acts are on the statute book—or, at any rate, until the new Bills are accepted as agreed Bills—for until then it is impossible to predict what may happen to a great body of complex legislation of this kind.

The Public Trustee's Report.

THE REPORT of the Public Trustee for the year up to 31st March last, which has just been issued, does not contain any special features. The deficit of £41,295 for the year 1921-22 was followed by a surplus of £74,522 for the following year, but this has now dropped to £29,273. The drop is attributed by the Public Trustee principally to the reduction of fees in January of last year, and if economic conditions had shewn more stability there would, apparently, have been an immediate further reduction. But this, with reluctance, he is obliged to defer. The aggregate value of new business during the year was £15,463,118, which was about the same as the previous year, and the prospects of new business, Mr. SIMPKIN says, continue steady. The number of

cases under administration at the end of the year was 15,899. It has been suggested that the Public Trustee adopts a policy of discouragement of small trusts, but Mr. SIMPKIN gives figures and details as to all trusts under £5,000 refused in six months of the year, which appear to show that this is unfounded. The Public Trustee has, we believe, to contend with increased competition from banks and insurance offices, and these various agencies control a considerable proportion of the trusts of the country; and, of course, in some respects this control has its advantages. But it cannot compare with well-managed trusts in private hands.

Trial by Jury in Civil Cases.

THERE WAS AN important debate in the House of Commons on Monday on the Second Reading of the Administration of Justice Bill. It is obvious that the real work on the Bill will be done in the Standing Committee, and that will be the proper place for settling the form of clause 2, which regulates the trial by jury in the High Court. Both on Monday and in the discussion on the Second Reading of last year's Bill some speakers have appeared to consider it necessary to insist on the exact re-production of the pre-war position. We do not propose to discuss that now or to consider the merits of the jury system; but it may be useful to point out once again that modifications of the system were under discussion just before the war, and in 1913 Lord MERSEY's Committee reported in favour of the restriction of the absolute right to trial by jury. There was, said the Report, an almost complete agreement among the witnesses that the time had come to make the right to trial by jury in civil cases far less absolute. The opposition in the House of Commons to clause 2 appears to overlook the true considerations which should govern the question, and no reference, so far as we observe, was made to the Report of Lord MERSEY's Committee. We notice that Sir ELLIS HUME-WILLIAMS deprecated the undue laudation of the jury system and spoke strongly of the uncertainty and expense with which it is attended. The insistence on the re-introduction of an absolute right to a jury appears to pay little regard to the real interests of litigants.

The District Probate Registries.

CLAUSE 1 OF the Administration of Justice Bill does not go very far to remedy the inconveniences of the present Assize system. It does not propose to re-arrange the Assize towns so as to select only towns which, from the amount of business and having regard to travelling facilities, can be with advantage retained. It merely empowers the Lord Chief Justice to direct that, in any particular Assizes, places shall be omitted where there is no business or no substantial business. Whether this is sufficient we need now inquire. It is all that is likely to get done. We have always advocated more thorough-going measures, but we may have been too hasty. It may be better to have "The Chronicles of Barsetshire" for Assize as well as cathedral towns, than to aim at up-to-date efficiency. More practical is the reform strongly pressed by Mr. NESBITT, whose speech we reproduce elsewhere, for the removal of the existing territorial limits of jurisdiction for the District Probate Registries. This was recommended by the Civil Service Royal Commission in their Sixth Report (1915), and is supported by the Law Society, on whose behalf Mr. NESBITT spoke, and numerous Provincial Law Societies. The restriction is inconvenient in practice and precludes the full utility of the District Probate Registries. Its removal was recommended also by Mr. Justice TOMLIN'S Committee on these Registries, which reported last October: *ante*, p. 52. The re-arrangement of the Registries, which the Committee also advised, and of which they prepared a scheme, can be effected by the President of the Probate Division, with the concurrence of the Lord Chancellor and the Treasury, under clause 11, but at present there is no provision for the removal of the territorial restriction, and that we hope will be introduced in Committee. The new power which it is proposed to confer on the President is analogous to the exclusive powers he already has of making Probate and Divorce Rules, and to which we called attention recently on the issue of the new Divorce Rules. As was pointed out by Sir KINGSLEY WOOD in the debate, voicing the view of many law societies, there should, as far as practicable, be uniformity of practice in all Divisions of the High Court, and the rule-making power for the Probate and Divorce Division should be vested in the Rule Committee. The Bill also fixes by a Schedule the qualifications of officers of the Supreme Court, and while the Schedule is on existing lines, there are some points which should be discussed in Committee, whether, for instance, the Mastership in Lunacy should be reserved as now for the Bar—and this is the Lord Chancellor's view—or whether in accordance with Lord TERRINGTON'S proposal when the Bill was in the House of Lords, which was founded on the Civil Service Commission's Report, it should be thrown open to solicitors. There are strong reasons in the nature of the duties of the office, which are mainly administrative, for adopting the latter course.

The Appeals in *Harnett* v. *Bond and Adam.*

THE COURT OF APPEAL delivered on Friday its long deferred judgment in the appeals of Drs. BOND and ADAM against the verdict of the jury in *Harnett* v. *Bond and Adam*, *Times*, 17th May. Public opinion, we believe, generally felt that the damages had been somewhat excessive; and legal opinion was pretty generally of the view that they offended against the rule of remoteness as laid down by Lord DUNEDIN in *Weld-Blundell* v. *Stephens*, 1920, A.C. 956. The Court of Appeal has affirmed this general opinion, and held that, on the ground that the damages had been assessed on a wrong principle, apart from any other issues of law or fact, a new trial would have been necessary. In the case of Dr. BOND, the Lunacy Commissioner, a new trial was in fact ordered. In the case of Dr. ADAM, the head of the asylum where the detention took place, the Court held that he had not been guilty of any actionable wrong in cancelling his leave of absence to the alleged lunatic, or in retaking possession of his person at the request of Dr. BOND; therefore judgment was entered in his favour. The issues raised require fuller consideration, however, than can be given in a topic, and this we must postpone.

Lord Darling's Lunacy Bill.

IT IS DIFFICULT to understand how the House of Lords allowed itself to throw out Lord DARLING'S Lunacy Bill without even according it the privilege of a second reading. The object of this short Bill was simply to carry out the two leading recommendations made by the Lunacy Committee which was presided over by Lord Justice ATKIN, namely, (1) the addition of "uncontrollable impulse caused by mental disease" to the existing form of insanity which may justify a verdict of "Insanity" in a criminal charge; and (2) the substitution of a different form of words for those used in the statutory verdict of "Guilty, but insane." These proposals were generally supposed to have been accepted by everyone as a reasonable compromise between the legal and medical viewpoints as to the nature of legal insanity; they are certainly extremely moderate proposals of reform. Lord DARLING, it is generally understood, brought in his Bill not because he himself had any strong bias in favour of those changes, but because it was desired that a Bill embodying the Commission's recommendations should be introduced into the House of Lords. Presumably everyone imagined that such a Bill would pass *nemine contradicente*, and Lord DARLING took on his shoulders the burden of sponsoring it in Parliament. But suddenly and unexpectedly, when the second reading arrived, Lord SUMNER and Lord HEWART delivered violent onslaughts on the Bill. Then Lord HALDANE, who apparently failed to appreciate that the purpose of the Bill was to carry through a more or less agreed settlement between legal and medical opinion provided by Lord Justice ATKIN'S Committee, astonished legal reformers by attacking the measure on the extraordinary ground that it left to the jury a matter which they have not the necessary expert knowledge to decide. Of course, juries in criminal cases have already this duty cast upon them; they exercise it with the assistance of medical expert testimony and under the guidance of a judge. The Bill did not propose to confer for the first time

on juries the responsibility of finding whether or not a prisoner is insane; it merely enabled them to take into consideration the orthodox medical view of what is insanity, namely, that it is a volitional rather than an intellectual disease; this they are at present bound in law to ignore. But we fancy that Lord HALDANE must have been under some misapprehension as to the whole origin and object of the Bill. In any case it is regrettable that the Lord Chancellor should have invited the House of Lords to show Lord DARLING the discourtesy of rejecting without consideration in detail the Bill he with a commendable sense of public duty had sponsored.

Claim of the Soviet Government to Sovereign Privilege.

SINCE MR. JUSTICE HILL has reserved judgment in the case of *The Jupiter*, *Times*, 21st inst., which raised the question whether or not the Soviet Government can claim "sovereign privilege" in respect of matters arising prior to our Government's recognition of that Government as the *de jure* Sovereign of Russia, we do not propose to comment on the point of law involved. But the facts may be indicated briefly since the question is obviously one of great importance to the legal advisers of merchants and shipowners. The *Compagnie Russe de Navigation à Vapeur et de Commerce*, a French Company operating in Russia, had taken proceedings in Admiralty to recover possession of a steamship, "The Jupiter." The Soviet Government then applied by motion to set aside the writ and all proceedings in the action on the ground that "The Jupiter," being a Russian steamship, was the property of the Russian Government, and so entitled to the protection of "Sovereign Privilege" against arrestment and other legal proceedings *in rem*. The claim to Government ownership was based on the issue of a Soviet decree nationalising all ships of Russian nationality. Since this decree was issued prior to the *de jure* recognition of the Soviet by the British Premier, the question arises how far such a decree is adequate to confer on the ships it includes the status of a Government vessel for purposes of Sovereign Privilege. Since other Russian decrees have nationalised other forms of commercial property, it is obviously important for commercial practitioners to bear in mind the possible legal situation in advising or drafting conveyances or contracts affecting such property, and therefore Mr. Justice HILL's decision will be awaited with interest.

A Wembley Exhibitor's Difficulties.

IN THE CASE of *Constantinesco* v. *British Empire Exhibition*, 1924, *Times*, 20th inst., the plaintiff claimed to be entitled under his contract with the defendants to exhibit at the British Empire Exhibition a motor chassis showing results of theoretical research as applied to traction, transmission of power, and general engineering. From the reported facts it appears that an enormous space had been taken by the Society of Motor Manufacturers and Traders on condition that space for motor exhibits should not be allotted elsewhere without their consent; that their space was full, and that they refused to consent to the exhibition of the plaintiff's chassis elsewhere. The result appears to involve restraint in the development of trade, so far as the invention in question is concerned, and this seems to be entirely contrary to the spirit of the Exhibition. No doubt the authorities are deserving of the fullest sympathy and co-operation in the difficult and invidious task of allotting space to exhibitors to the best advantage, and of effecting contracts which will satisfy all contingencies. The difficulty with which the plaintiff has been confronted in this action, however, cannot but cause regret, and we welcome observations of GREER, J., who, while arriving at a decision in favour of the defendants on the contract, said that he regretted extremely that any technical objection to the plaintiff's doing something, which would be a great advantage to everybody, should have been taken by anyone; and that it would be of great advantage to the plaintiff to exhibit his invention where it would attract the greatest public attention, so that it might receive a warm welcome when the chassis was put on the market. The primary object of the Exhibition is, not the amusement of the public by means of shock-generating contrivances, but the expansion of the trade of the Empire by means of the display of the products of industry and invention, and with the latter end in view the Royal Family are devoting much time and attention to the encouragement of the undertaking. Such an *impasse* as that which has arisen in the case under review is so obviously contrary to the interests of the public that it is to be hoped that no further contretemps of this nature will arise, or that, if they do arise, they will be satisfactorily adjusted without delay.

Rent Restriction and Rates.

THE COURT OF APPEAL (*Times*, 22nd inst.) have reversed the decision of the Divisional Court in *Strickland* v. *Palmer*, *ante*, p. 479, 40 T.L.R. 314, and accordingly, rent which has been increased under s. 2 (1) (*b*) of the Increase of Rent, &c., Act, 1920, to cover an increase in rates, must be decreased when the rates come down. This result appears to depend upon differing judicial views of the simple phrase "for the time being." The permitted increase of rent is the increase in the amount for the time being payable in respect of rates. According to the Divisional Court, the words "for the time being" allowed the rent to go up, but not to go down. According to the Court of Appeal if it goes up it can equally come down, or, as SCRUTTON, L.J., put it, the landlord cannot demand any increase on account of an increase of rates which he is not himself paying, a result which seems in accordance with the scheme of the Act.

The Inclusion of Attendance-payment in Rent.

ONE OF THE recent cases of interest under the Rent Restriction Acts is that of *Nadler* v. *Wilson*, *Times*, 17th inst., decided by Mr. Justice LUSH last week. Here, the plaintiff claimed recovery of possession and mesne profits in respect of a flat leased to the defendant for three years certain at a rental of £74 4s. *plus* a weekly payment of five shillings for attendance. Both sums were to be paid quarterly in one payment of £21 16s., and the tenancy agreement said that the first payment for rent was to be due on 24th June, 1921, such rent to include attendance. The question was whether, at the end of the first term, the tenant was entitled to remain on as a statutory tenant. This turns on whether or not the payment for rent includes a payment for attendance, in which case the well-known proviso 1 to s. 12 (2) of the Rent Restriction Act, 1920, as modified by s. 10 (1) in last year's amending Act, excludes the operation of the statutory protection. This again turns on whether or not one inclusive rental is made for both rent and attendance; if both have separate sums allotted to each, the statute is not excluded: *Wood* v. *Wallis*, 37 T.L.R. 147, and *Hocker* v. *Solomon*, 91 L.J., Ch. 8. In the present case, since the first quarterly payment was expressly fixed as one sum including both rent and attendance, the learned judge held that the statute was excluded and made an order for possession.

Notice to Quit in case of Agricultural Holdings.

THE RECENT decision of the House of Lords in *Edell* v. *Dulieu*, 1924, A.C. 38, *ante*, *p.* 183, affirming the decision of the Court of Appeal, 1923, 2 K.B. 247, which reversed the decision of the Divisional Court, 1923, 1 K.B. 533, draws attention to the special law which exists as regards notices to quit in agricultural tenancies as distinguished from the law of notices to quit in ordinary town occupation tenancies. It is generally known that, in the case of agricultural tenancies, a year's notice to quit has to be given notwithstanding any provision in the contract for the giving of a shorter notice, but it is not so well known that a

notice to terminate the tenancy has to be given even where the letting is for a fixed term of years. The law as regards agricultural tenancies is now contained in ss. 23 to 27 of the 1923 Consolidation Act, that is, the Agricultural Holdings Act, 1923. Perhaps the most striking difference is the one already indicated, namely, that even when the lease is for a fixed period (over two years) it is necessary to give a notice to quit. That is to say, the lease will not, as in the case of an ordinary town occupation tenancy, terminate automatically at the end of the term. This is effected by s. 23 of the 1923 Act (reproducing s. 13 of the 1920 Act) which provides in effect that, where the holding is for a term of two years or upwards, the tenancy shall not terminate on the expiration of the term for which it was granted, unless, not less than one year nor more than two years before the date fixed for the expiration of the term, a written notice has been given by either party to the other of his intention to terminate the tenancy. The parties cannot contract out of this section, but it does not apply to tenancies granted before the 1st January, 1921. If no notice should be given, the effect would be that as from the expiration of the term the tenancy would continue as a tenancy from year to year, but otherwise so far as applicable on the terms of the original tenancy (s-s. 2).

The provisions of s. 23 are apparently limited to cases where by the lease no notice to quit is required. There is another section which applies where a notice to quit is required by the document of tenancy. This is s. 25 (reproducing s. 28 of the 1920 Act). Section 25 provides that, notwithstanding any provision in a contract of tenancy to the contrary, a notice to quit a holding shall be invalid if it purports to terminate the tenancy before the expiration of twelve months from the end of the then current year of tenancy. This includes the case of a tenancy from year to year, and a tenancy for a term of years determinable by a notice to quit. It was decided in *Edell* v. *Dulieu*, above referred to, that the words, "a notice to quit" must be taken to include a notice to determine the tenancy, and therefore in the case of a lease for twenty-one years with an option to either party to determine it on six months' notice at the end of the first seven or fourteen years of the term it is necessary, in spite of the agreement in the document that six months' notice should be sufficient, to give twelve months' notice according to the words of the section. The actual decision was on s. 28 of the 1920 Act.

The other three sections referring to notice to quit in the case of agricultural tenancies are ss. 24, 26 and 27. Section 24 provides that where the tenancy of a holding determines by death or cesser of the estate of the landlord, as where he is only entitled for his life, instead of claims to emblements, the tenant shall continue to hold and occupy the holding until the occupation is determined by a twelve months' notice to quit expiring at the end of a year of the tenancy, and shall then quit upon the terms of the tenancy as if it were determined by lawful means during the continuance of the landlord's estate. This section is a reproduction of s. 1 of the Landlord and Tenant Act, 1851, as amended by s. 14 of the 1920 Act.

Section 26 is a reproduction of the Agricultural Land Sales (Restriction of Notice to Quit) Act, 1919, as amended by the 1920 Act, and provides, as is well known, that on the making of any contract for sale of a holding or a part of a holding held by a tenant from year to year, any then current and unexpired notice to determine the tenancy of the holding given to the tenant shall, if the contract for sale is made by the person by whom the notice to quit was given, be void unless the tenant has prior to such contract for sale agreed in writing that such notice shall be valid.

Section 27 is in connection with a notice to quit given by a landlord to a tenant from year to year with a view to the use of the land for various improvement purposes specifically mentioned in the section, and contains well worked out provisions for the protection of the tenant.

The Amendments of the Land Transfer Acts.

(*Continued from p.* 627.)

II.

LAST week we attempted to indicate generally the nature of the changes made in the Land Transfer Acts of 1875 and 1897 by Part X of the Law of Property Act, 1922, and which it may be presumed will be incorporated in the Bill for consolidating the Acts when that is introduced. We shall now take in order the recommendations made by the Land Transfer Commission of 1911 and see how they are dealt with by the Law of Property Act. The recommendations are contained in Chap. IV of the Second and Final Report, pp. 30, *et seq.*, and there is a summary of them at pp. 54 to 56.

1. *Title of first Proprietor.*—Absolute title to be really absolute, *i.e.*, in favour of the registered proprietor himself as well as in favour of his transferee for value. The position of the first proprietor in this respect does not seem to have been determined by the Courts, but *A.-G.* v. *Odell*, 1906, 2 Ch. 47, which was a case of a registered charge, suggested that the registration was no protection to him, and, indeed, that if his transferee was evicted, any compensation paid to him out of the indemnity fund might be recovered from the first proprietor. This position the Commission thought was wrong, and they recommended that the title of the first registered proprietor, equally with that of a transferee from him, should not be assailable in consequence of any defects in the earlier title, and "all doubts on the subject should be removed by the necessary amendments of the Acts." Apparently this is done by s. 174 of the 1922 Act, which amends the provisions for rectification of the register contained in ss. 95 and 96 of the 1875 Act, and by s-s. (3) provides that "the register shall not be rectified, except for the purpose of giving effect to an overriding interest, so as to affect the title of the registered proprietor of the land who is in possession." In the case of an absolute title, an adverse claim to the land is not an "overriding interest" (see the definition in Sched. XVI, s. 2 (2)), so that a first registered proprietor who obtains possession appears to be safe under this provision. The register will not be rectified against him, and the true owner will be entitled to compensation: see s. 175 (1), provision (2).

2. *Length of title.*—To be reduced from forty to twenty years. Under s. 94 of the 1922 Act, thirty years is substituted for forty as the length of title under an open contract for sale of unregistered land. The recommendation of the Commission was more drastic, but in fact the Registrar already has considerable latitude; for instance, under r. 27, if he finds that the title has been sufficiently investigated on a transaction for value, he may modify the examination of title in such manner as he thinks fit. The 1922 Act does not appear to give effect to the recommendation; it may be presumed that a rule corresponding to r. 27 will be reproduced. But the reduction of title outside the Registry from forty to thirty years will no doubt influence the examination of title in the Registry; *i.e.*, the ordinary period will be thirty years.

3. *Certificates of Title.*—The Registrar to be authorised to accept counsel's and solicitor's certificates. Sched. XVI, Part I, s. 25 (*b*), allows rules to be made for this purpose.

4. *Ripening of Possessory Titles into Absolute.*—The Commission recommended that after not less than twelve years' probation, this might be allowed in favour of the first transferee for value in cases not exceeding £10,000 in value. This is in effect carried out, though without the restriction as to value, by s. 172 of the 1922 Act. Land registered with a possessory title before the commencement of the Act can be converted by the Registrar into absolute, if he is satisfied as to the title; and whether registered before the Act or not, he can, if he is satisfied as to the title, convert it in favour of a transferee for value. And after a possessory title has been registered for fifteen years,

the Registrar may, if satisfied that the registered proprietor is in possession, and after giving the prescribed notices, convert the title into absolute, without further examination. But there is a curious exception. If the first registration was before 1st January, 1909, the Registrar may make investigation of the title. Why this date? Fifteen years from 1st January, 1909, brings the date to 1st January, 1924, the date originally fixed for the commencement of the Act. Is this an explanation or a coincidence? There were new Rules in 1908, but the date does not seem to depend on these. *Primâ facie*, a title registered before 1st January, 1909, is stronger than one registered since; for it will have more than fifteen years to its credit, and there will be less need for investigation.

5 and 6.—These recommendations dealt similarly with the ripening of leasehold titles. Effect is given to them by s. 172.

7. *Settled Land.*—The Commission recommended that where settled land was vested in trustees, they should be registered as proprietors; but otherwise no individual should be registered as proprietor, but the land should be registered as subject to the settlement. This was because they considered that no one should be registered as proprietor unless the fee simple was vested in him, though they recognized that the case would be different if the law were altered so as to make the fee simple the only legal estate, and so as to enlarge the estate of the tenant for life into the fee simple held upon trusts corresponding to the uses of the settlement. This is what is in fact done by the 1922 Act, and hence the amendment of the Land Transfer Acts is such as the Commission hinted at. By Sched. XVI, Part II, s. 2 (1), settled land is to be registered in the name of the tenant for life, and the successive or other interests created by or arising under the settlement will take effect as minor interests; for this term, see *ibid.*, Part I, s. 2 (2). And provision is made for a transfer on the register upon the death of the tenant for life corresponding to the devolution of the estate in cases of unregistered land.

8. *Vendor and Purchaser.*—The Commission recommended that transfers should be executed by the transferee; we do not find any reference to this in the Act; and that the register should be cleared on every change of ownership; power is given to make rules for doing this "on suitable occasions": Sched. XVI, Part I, s. 25 (*c*). More important is the recommendation that a purchaser of registered land should be entitled to a full copy of the entries on the register, and to abstracts and production of all instruments entered on the register which continue to affect the property. This is different from the regulations as to evidence of title in s. 16 (1) of the 1897 Act, but those regulations have proved impracticable, and the actual practice is in accordance with the recommendation. It is, accordingly, in effect, reproduced in s. 177 of the 1922 Act, and it is interesting to notice that the statutory declaration as to non-incumbrances under s. 18 of the Act of 1875 disappears. This has been troublesome and of little practical use, and with regard to all matters which are excepted from the effect of registration—now called overriding interests—the purchaser is left to the same evidence which he would be entitled to if the land were not registered. Section 177, containing the new provisions as to vendor and purchaser of registered land, is one of the most important in this part of the Act, and it has in s-s. (2) the somewhat curious provision that the effect of the statutory implied covenants for title is to be prescribed by rules. It might have been expected that a matter of this kind, creating rights as between the parties, would be the subject of direct enactment.

9. *The Legal Estate and the Powers of the Registered Proprietor.*—The Commission recommended that the estate of the registered proprietor should be the legal estate, and that such estate should be transferable only by registered instrument; and that, subject to this, the registered proprietor should have full power of disposing of the property or creating any interest therein for value. The first part of the recommendation was due to the decision of the Court of Appeal in *Capital and Counties Bank* v. *Rhodes*, 1903, 1 Ch. 631, quite the most famous case on the Acts. The result was that while, on registration, the legal estate vested in the proprietor, he could immediately dispose of it so as to take it away from the register, and thereafter it subsisted as a legal estate to be dealt with by all the ordinary methods of conveyancing until there was a registered transfer, and then it got automatically on the register again. This was a very singular position, and the Commission naturally recommended that it should be altered. This is done by s. 170 of the 1922 Act, which provides that the registration of a proprietor of freehold land shall vest and be deemed always to have vested in him the legal fee simple, and that the estate for the time being vested in the registered proprietor shall only be capable of being disposed of in manner authorized by the Acts; that is, by registered transfer. These provisions will, it would seem, be effectual to keep the legal estate in the registered proprietor in spite of any conveyance by him off the register. And Sched. XVI, Part I, s. 7 (1), carries out the other part of the recommendation and enables the registered proprietor to make various dispositions short of the transfer of the fee simple—the severance of mines from the surface, the creation of rent-charges and easements, and so on. Such dispositions will be completed by registration, and will be noted on the register (s-s. (3)).

(To be continued.)

Responsibility in the Criminal Law.

ON the 15th inst. Lord Darling's Bill, providing for a compendious statement of the rules to be applied in criminal cases in which mental disease on the part of the accused is alleged as an explanation of the criminal act charged, was rejected in the House of Lords, without a division. A perusal of this Bill will show that the object of it was to provide an up-to-date substitute for what are known as the rules in *McNaghten's Case*, 1843, 10 Cl. & F. 200, 209.

One point of view of the matter was stated in the clearest terms by Lord Sumner when he said: "I do not understand what is the supposed frame of mind, however diseased, in which you can simultaneously say that a person does know the physical nature and quality of his act, does know that the act done is wrong, and nevertheless is suffering from such a state of mental disease that he is wholly incapable of resisting the impulse."

Lord Hewart, C.J., informed the House that at least ten of his colleagues in the King's Bench Division agreed with him that the change proposed in the Bill was undesirable. No doubt the reason of this is that the matters to be alleged by way of defence, and in particular that relating to the question of irresistible impulse as the immediate cause of the crime, open up a field of enquiry so wide and indeed illimitable, that even a jury composed of mental experts might be excused for being unable to arrive at a verdict. A great effort was made in *McNaghten's Case* to state the rules in a form which would be a safe guide to judges and practitioners, but it yet remains for the Court of Criminal Appeal to produce a statement of the law which can be deemed thoroughly satisfactory. In charging the Grand Jury at Leeds a few days ago, Mr. Justice Avory took the opportunity to give a short analysis of the changes proposed in Lord Darling's Bill. He said that it was proposed to make it a valid defence that the accused was acting under the influence of an uncontrollable impulse. He was anxious to know who was going to decide whether the impulse in question was uncontrollable or was simply not controlled. Bearing in mind the views put forward by mental experts, it appeared to him (the learned judge) that it was to be deduced from the circumstances that the mind of the accused was diseased, and that this new form of defence would be available in all cases. His view of the law was that it existed for the purpose of teaching people to control their impulses.

In dealing with this problem, it is most essential to be quite clear what we mean when we speak of mind and disease of the mind. Professor Bain says "that the abuse of abstract names is exemplified in the almost irresistible tendency of most writers and speakers to suggest the existence of things in the abstract." The word "mind" is an abstract name and is inseparable from certain actual beings called persons, who are mentally endowed in various ways, there is nothing called mind distinct from beings exerting mental functions. It is, in the cases now under consideration, a diseased organism, which therefore functions in an abnormal manner, but it would be incorrect to say that the function or activity was diseased. It may certainly be said that any impulse carried into action is in the circumstances an uncontrollable impulse, without regard to the sanity or otherwise

of the individual. Logically speaking, as was pointed out by Maudsley, the individual can only be free, when there is such a complete equilibrium between the sentiments, passions, and reflections, that he is in a state of complete indifference; when he is not under the least shadow of constraint to act one way or another, or to act at all.

If the legal rules as to responsibility for criminal acts were more fully stated, it might be less difficult for counsel acting for the defence to decide whether the case is one in which the plea of irresponsibility, owing to mental disease, is one which should be raised and thus the exertion of futile efforts would be avoided. In any event the proper attitude of the law is to deal with the accused for being what he is rather than for doing what he has done.

HORACE E. MILLER.

Reviews.

Legal Literature.

DRAMATIC DAYS AT THE OLD BAILEY. By CHARLES KINGSTON. Illustrated. Stanley Paul & Co. Ltd. 12s. 6d. net.

THIRTY YEARS AT BOW STREET. By W. T. EWENS. T. Werner Laurie, Ltd. 5s. net.

These books may be conveniently reviewed together. Both are the work of journalists interested in the personal aspects of the criminal law courts, and not in problems either of jurisprudence or of penological reform. Each author selects, for graphic and picturesque narrative, trials and criminals likely to prove interesting to the public at large, rather than to lawyers. Nor does either writer treat his subject in a manner which is likely to appeal to members of the legal profession.

The quality of Mr. Kingston's book may best be gathered by a note on his treatment of the celebrated murder trial *R.* v. *Stinie Morrison*, which was conducted before Lord Darling fourteen years ago. That case bristled with legal points, and also raised startling misgivings as to the reliability of evidence for the prosecution in such cases. Two witnesses called for the Crown at the police court were abandoned at the trial, because positive and damning evidence given by them against the prisoner was discovered to be pure imagination during the preliminary investigation. An alleged admission made by the accused on arrest, according to the police evidence, was denied by him, and in a very dramatic way, at the conclusion of the case, and he was supported in his denial by an independent police witness, who voluntarily wrote to the counsel for the defence corroborating prisoner's denial. He was sent for by the judge, and called before the summing-up. An inquiry into the circumstances was afterwards made by Lord Cave, and although he exonerated the police of intentionally misrepresenting the prisoner's remark, his report clearly showed how easily mistakes of this kind may arise. In the event, the conviction which followed was the subject of so much doubt that the Home Office reprieved the accused. A volume in the Notable Trial Series discusses these points, and all the aspects of the trial, with judgment and discretion.

Now the only thing that seems to occur to the author of "Dramatic Days," by way of serious comment on this case, is an extraordinary criticism he makes of two perfectly natural remarks of the prisoner. The latter, after the verdict, remarked "Before God I am innocent." When sentenced to death he remarked "There cannot be a God, I cannot believe in him." Both remarks strike Mr. Kingston as an extraordinary example of two inconsistent statements made by the prisoner within a few minutes of each other. Readers who are interested in this sort of comment will find both these books entertaining reading.

Mr. Joseph George Willis, C.B., who died on Saturday last, at his residence in Pall-mall, had been Inspector-General in Bankruptcy from 1908 till his retirement in 1921. The eldest son of Joseph Willis, of Bristol, he was born in September, 1861, and went up to Christ Church as a junior student in 1880. He took first classes in the classical schools, and in the Civil Service examination of 1885 he obtained the first place. Having been appointed to a clerkship in the Board of Trade, he was for some years private secretary to the Parliamentary Secretary, and also served in the Railway Department. Mr. Willis was unmarried.

Portraits of the following Solicitors have appeared in the SOLICITORS' JOURNAL: Sir A. Copson Peake, Mr. R. W. Dibdin, Mr. E. W. Williamson, and Sir Chas. H. Morton. Copies of the JOURNAL containing such portraits may still be obtained, price 1s.

CASES OF THE WEEK.

Court of Appeal.

REITZES DE MARIENWERT (BARON) *v.* ADMINISTRATOR OF AUSTRIAN PROPERTY. No. 1. 12th May.

NATIONALITY—TREATY OF PEACE (AUSTRIA)—TREATY OF PEACE (AUSTRIA) ORDER, 1920-1921, CLAUSE 1 (ix), 2—FUNCTION OF AUSTRIAN ADMINISTRATOR—SATISFACTION AS TO NATIONALITY—ACTION FOR DECLARATION THAT ACQUISITION OF NATIONALITY SHOWN.

Under the Treaty of Peace (Austria) Order, imposing a charge on the property of nationals of the former Austrian Empire, persons who can do so may show to the satisfaction of the Administrator of Austrian Property that they have ipso facto *acquired the nationality of an allied or associated Power, and if they do, they are no longer to be deemed nationals of the former Austrian Empire.*

Held, that if upon an application, the Austrian Administrator was not so satisfied that the applicant had so acquired an allied or associated nationality, the court had no power in an action for a declaration or otherwise to interfere with his decision.

Appeal from a decision of Tomlin, J., on a preliminary point of law, arising on pleadings (reported *ante*, p. 578). The facts were as follows: The plaintiff was born in Vienna in 1877, and his father was born in territory which, by the Treaty of St. Germain-en-Laye, became part of the Republic of Poland. Art. 70 of the Treaty provided that citizens in territory which formed part of the territories of the former Austria-Hungarian Monarchy should obtain *ipso facto* the nationality of the state creating sovereignty over such territory. Art. 249B reserved to the Allied and Associated Powers the right to retain and liquidate all property which, at the date of the coming into force of the Treaty, belonged to nationals of the former Austrian Empire, but provided that: "Persons who within six months of the coming into force of the present Treaty show that they have acquired *ipso facto* in accordance with its provisions the nationality of an allied or associated power will not be considered as nationals of the former Austrian Empire within the meaning of this paragraph." By the Treaty of Peace (Austria) Order, 1920-1921, clause 1, certain articles of the Treaty which included art. 249, were given full effect as law, and by clause 1 (ix) the charge authorized by the Treaty was imposed. Clause 2 provided as follows: "The expression 'nationals of the former Austrian Empire' does not include persons who within six months of the coming into force of the Treaty show to the satisfaction of the Administrator that they have acquired *ipso facto* in accordance with its provisions nationality of an Allied or Associated Power." The Administrator was not satisfied with the attempt that the plaintiff made to show that he had *ipso facto* acquired Polish nationality, and the plaintiff thereupon brought this action claiming (*inter alia*) a declaration that he had shown that he had acquired *ipso facto* in accordance with the provisions of the Treaty the nationality of the Republic of Poland, and that his property in His Majesty's Dominions was not subject to the charge. The question arising upon the pleadings to be tried was ultimately framed as follows: Whether the decision of the Administrator that he was not satisfied that the plaintiff has in the manner set forth in art. 2 of the Treaty of Peace (Austria) Order, 1920-1921, acquired nationality other than Austrian is final and conclusive, so that it cannot be questioned by way of an action for a declaration. Tomlin, J., held that the question was one for the Administrator only, and that the court had no jurisdiction to interfere with his decision. The plaintiff appealed.

The Court dismissed the appeal.

POLLOCK, M.R., having stated the material clauses of the Treaty of Peace of St. Germain-en-Laye and the Peace Treaty Order, said the plaintiff alleged that he was originally an Austrian national, *primâ facie* therefore he was subject to the Peace Treaty. But he claimed that for the purposes of the Peace Treaty he had ceased to be an Austrian and had become a Pole. The Administrator heard the plaintiff's claim and re-considered the matter on further documentary evidence, but rejected it. The plaintiff contended that the decision of the Administrator ought in some way to be brought under review, and that in the case of an Austrian who had become a Pole when the Treaty came into force, it was not a final decision. The question before the court was a very narrow one. It was true that the Treaty with Austria did not set up the Polish Republic; that was done by the Treaty of Versailles, which, in arts. 87 to 93, provided for the recognition of Poland. The effect of that was of some importance. It was quite possible that under it certain persons had ceased to be Austrians and had become Poles. Under the Treaty of Versailles certain steps had to be taken by persons who desired to renounce

their Austrian nationality. All those questions were to be dealt with by the Administrator. He was the *persona designata* who was to determine whether or not a particular person might rely on the provision in s. 2 of the Treaty of Peace Order to show that he was no longer an Austrian national. Section 9 (*b*) also showed that the Administrator, and no one else, was to deal with the matter. In his (his lordship's) opinion, the question had been properly determined by the Administrator and could not be raised in the court. It appeared that the Administrator's decision was intended to be final, but it was a narrow decision and did not cover the whole of the plaintiff's case. The learned judge had rightly answered the question raised. The time limit of six months for obtaining a decision had been exceeded, but that point had been waived. The appeal must be dismissed with costs.

WARRINGTON and SARGANT, L.JJ., delivered judgment to the same effect, the former observing that it was still open to the plaintiff to show in some other way that his property was exempt from the charge of the Peace Treaty.—COUNSEL: *Schiller*, K.C., and *August Cohn*; *Sir Thomas Inskip*, K.C., and *Roland Burrows*. SOLICITORS: *Freshfields, Leese & Munns*; *Solicitor to the Clearing Office*.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

High Court—Chancery Division.

In re **BAKER: BAKER** *v.* **THE PUBLIC TRUSTEE.**

Russell, J. 6th May.

SETTLEMENT—TENANT FOR LIFE—REMAINDERMAN—POSTPONEMENT OF CONVERSION—APPORTIONMENT BETWEEN TENANT FOR LIFE AND REMAINDERMEN—RATE OF INTEREST.

The rate of interest to be calculated for the benefit of a tenant for life where a reversionary interest producing no income is retained by trustees unconverted in accordance with the decision in In re Earl of Chesterfield's Trust, 1883, 24 Ch.D. 643, *was not permanently fixed at 3 per cent. by the decision in* Rowlls *v.* Bebb, 1900, 2 Ch. 107, *and accordingly regard being had to the higher rate of interest now obtainable, the rate is changed to 4 per cent.*

There is no difference in principle between these cases and the converse cases of securities bearing a high rate of interest being retained by trustees, and in such a case the tenant for life was allowed 4 per cent.

In re Beech, 1920, 1 Ch. 40, *applied*.

A testator by his will devised the residue of his real and personal estate to trustees upon trust for sale and conversion, with power of postponement, and directed them to invest the proceeds and pay the income to his wife for life, and after her death to stand possessed of the investments upon the trusts declared in his will. There was no clause in the will disposing of the income before sale. The testator died in 1917, and at his death was entitled to a reversionary interest in the residuary estate of his father expectant on the death of his mother. This reversionary interest produced no income. The trustees retained it unconverted until the death of the testator's mother in 1922. His widow died in 1923.

RUSSELL, J., after stating the facts said: It is obviously to the advantage of the person entitled to the capital that the rate of interest should be as low as possible. That rate in *Re Earl of Chesterfield's Trusts*, *supra*, was paid at 4 per cent., but it is contended on the authority of *Rowlls* v. *Bebb*, *supra*, that the rate has now been permanently fixed at 3 per cent. In that case *Re Goodenough*, 1895, 2 Ch. 537, was relied on, a case in which Kekewich, J., decided that in future in applying the rule in *Re Earl of Chesterfield's Trusts* as to the apportionment between capital and income of the amount of an unconverted reversionary interest, which had fallen in, interest at 3 instead of 4 per cent. ought to be adopted as the basis of calculation. The ground of the decision was that it would be absurd for judges of the Chancery Division to say that interest was to be calculated at 4 per cent. at a time when ordinary prudent investors determined not to speculate could not obtain more than 3 per cent. So, too, in *Rowlls* v. *Bebb*, *supra*, the court held that the rate ought to be 3 per cent. having regard to the rate of interest which could then be obtained on trustee securities. Having regard to the rate of interest now obtainable, I think the rate ought to be raised to 4 per cent. In this case the reversionary interest produced no income, and it is said that in these circumstances the rate of 3 per cent. has never been departed from. In the converse case, where part of the residuary estate, held upon trust for conversion, with a power of postponement, was a sum outstanding on an unauthorised security bearing a high rate of interest, the court allowed the tenant for life a percentage on the capital value, ascertained at the testator's death, of the unauthorised income-producing investments, and that percentage in *Re Beech*, *supra*, was, in view of the prevailing financial position, fixed at 4 instead of 3 per cent. If, on account of the existing monetary conditions, you may revert to the old rule and hold that, as between tenant for life and remaindermen, the tenant for life is entitled to 4 per cent. on the value of the unauthorised securities, I can see no reason why you should not also do so in the calculation necessary under the rule in *Chesterfield's Trusts*, *supra*, in the case of a reversionary interest producing no income. Accordingly I declare that the value of the reversion at the date of falling in must be apportioned between capital and income according to the rule in the case of *Chesterfield's Trusts*, and that the interest is to be at the rate of 4 per cent.—COUNSEL: *H. T. Methold*; *W. H. Gover*; *Courthope Wilson*, K.C., and *H. W. Clements*. SOLICITORS: *Lyne & Holman*; *Whittington, Son & Barham*.

[Reported by L. M. MAY, Barrister-at-Law.]

CASES OF LAST SITTINGS.

Court of Appeal.

MICHALINOS & CO. *v.* **LOUIS DREYFUS & CO.**

No. 2. 27th February.

SHIP — CHARTER-PARTY — LOADING — DETENTION BY ICE — DEMURRAGE.

The appellants chartered a steamship from the respondents (the owners). The charter-party contained the following provisions: Clause 7, "Seventeen running days, Sundays . . . and recognised holidays excepted, are to be allowed the said freighters for loading and unloading and ten days on demurrage over and above the said lay days at £40 per running day or pro rata . . ." *Clause 11, "Except as herein provided detention by frost or ice from Ibrail down to Sulina . . . shall not count as lay days." The steamship arrived at Ibrail (Braila) in December,* 1921, *and three days after her arrival she went into dock to load grain. She was to have come out of dock two days later, and to have finished loading in the river Danube, but the river had, meanwhile, become frozen over and the vessel could not be moved. The river was not reopened for navigation until early in March,* 1922. *The shipowners claimed demurrage.*

Held, that the charterers were protected by clause 11. *Detention by ice within that clause included a detention by ice which made it impossible to go on loading.*

Decision of Rowlatt, J., 68 SOL. J. 277, *reversed*.

Appeal from the judgment of Rowlatt, J., on a case stated by an arbitrator (68 SOL. J. 277). By a charter-party, dated 28th November, 1921 the agents of the owners of a steamship chartered her to the appellants, as agents for other parties. By the terms of the charter-party, it was provided that the vessel was to proceed to Sulina for orders. On arrival at Sulina the vessel had to wait twelve hours for orders. She was eventually ordered to Braila to load a full cargo of wheat. On 7th December she arrived at Braila and gave notice of readiness, but no orders were given to commence loading until the 10th December. At the port of Braila there were three usual and customary methods of loading grain, either of which could be adopted at the charterers' option. These methods were (1) at the quay from silos in the dock; (2) from lighters and floating elevators in mid-stream; and (3) from the shore of the left bank of the river by means of gangways and manual labour. The charterers had sufficient cargo in silos in the dock and in lighters in mid-stream to load the steamship. On 10th December the captain received orders to move the vessel into the dock. The vessel accordingly went into dock to load a portion of the cargo, and it was intended that the vessel should come out and complete loading in the river Danube. On the 12th December the dock became frozen over and the vessel was unable to be moved owing to ice. The Danube was not declared open for navigation until 8th March, 1922, but the vessel was unable to leave until the 5th of April, partly on account of a prohibition, imposed by the Roumanian Government, on the export of wheat by private shippers between 9th March and 22nd March. On a claim being made by the shipowners for demurrage and damages for detention, the umpire held, subject to the opinion of the court, that the lay days commenced at noon on 7th December, 1921, and finished on 26th December, 1921, and that the charterers were liable for ten days' demurrage and 87¾ days' detention, and he awarded the shipowners over £4,000. On a case stated, Rowlatt, J., upheld the award on the ground that as the charterers could have availed themselves of alternative means of loading the vessel, they were not entitled to rely on clause 11 of the charter-party, which provided that "except as herein provided detention by frost or ice from Ibrail down to Sulina . . . shall not count as lay days." The charterers appealed.

The COURT (BANKES, SCRUTTON and SARGANT, L.JJ.) allowed the appeal. The charterers were entitled to rely on clause 11 of the charter-party. The arbitrator was wrong in limiting the

exemption to detention by ice while on the way from Braila to Sulina. Detention by ice meant detention through the ship being delayed by ice, and she was detained by ice within the meaning of clause 11 during the whole period covered by the claim, including those days when the ice made it impossible to go on loading. Rowlatt, J., had held that, there being three possible methods of loading, and only one of them being prevented by ice, and the choice between the methods being the charterers' risk, the charterers had failed to show that they were detained within the meaning of clause 11. But the effect of the clause was that a detention which made it impossible for the charterers to load by reasonable and practicable means prevented the lay days from running. In this case the ship was properly ordered to go into dock at Braila and the captain was bound to obey that order, and the charterers were not bound to send her to another part of the port. When she became shut in by ice it became impossible to go on loading her. She was therefore detained by ice within the meaning of clause 11 of the charter-party, and the appeal must be allowed.—COUNSEL: *W. A. Jowitt*, K.C., and *C. T. Le Quesne*; *W. N. Raeburn*, K.C., and *S. Lowry Porter*. SOLICITORS: *Richards & Butler*; *Holman, Fenwick & Willan*.

[Reported by T. W. MORGAN, Barrister-at-Law.]

REX v. **HOME SECRETARY and Another**: *ex parte* **EVA BRESSLER.** No. 2. 14th March.

ALIENS—FAILURE TO REGISTER—ORDER FOR DEPORTATION OF ALIEN—ALIEN'S WIFE—NO CONVICTION AGAINST WIFE—DEPORTATION—HABEAS CORPUS—ALIENS RESTRICTION (AMENDMENT) ACT, 1919, 9 & 10 Geo. 5, c. 92—ALIENS ORDER 1920, Art. 12.

By Art. 12 (6) *of the Aliens Order of* 1920, *a deportation order may be made "If the Secretary of State deems it to be conducive to the public good to make a deportation order against the alien."*

The appellant's husband was convicted of failing to register as an alien, and the Home Secretary made a deportation order against him under the Aliens Acts, 1914 *and* 1919, *and the Aliens Order*, 1920. *The Home Secretary subsequently made a deportation order against the appellant, who had not been convicted of any offence. The appellant applied to the Divisional Court for a writ of* habeas corpus, *but her application was refused. She appealed to the Court of Appeal.*

Held, that the court could not interfere with the order of the Home Secretary, as the matter was left by Parliament to the discretion of the Home Secretary. The application for a writ of habeas corpus, *therefore, failed.*

Appeal from the Divisional Court. The appellant appealed against an order of the Divisional Court refusing to make absolute a rule *nisi* for *habeas corpus*. The appellant was the wife of an alien against whom the Home Secretary had made a deportation order, following a conviction of failing to register as an alien. The Home Secretary also made a deportation against the appellant although she had not been convicted of any offence. The ground on which the Home Secretary purported to act was not stated, but it appeared that the Home Secretary deemed it conducive to the public good to make the order.

BANKES, L.J. This appeal undoubtedly raises a question of very considerable public importance, but in reference to which I have no doubt whatever that the view taken by the Divisional Court was the right one. The appeal is against a refusal of the Divisional Court to make absolute a rule *nisi* for a *habeas corpus* to bring up the body of the applicant, a woman of the name of Bressler, against whom an order had been made for deportation under the Aliens Deportation Acts and Order made under those statutes. The law in reference to the deportation of aliens is now contained in the two statutes of 1914 and 1919, as extended by the Expiring Laws Continuance Act. The joint effect of the two statutes of 1914 and 1919 is that His Majesty may, by Order in Council, impose restrictions on aliens, and provision may be made by order for the deportation of aliens from the United Kingdom, the additional provision of the Act of 1919 being that any order so made must be laid before each House of Parliament forthwith. Now a number of orders have been made. The original form of the order was Article 12 of the Order of 1914 which provided: "A Secretary of State may order the deportation of any alien, and any alien with respect to whom such an Order is made shall forthwith leave and thereafter remain out of the United Kingdom." That order was repeated in exactly the same form in the Order of 1916, Art. 12. The effect of that order came before this court in the case of the *Duke of Chateau Thierry*, 61 SOL. J. 367; 1917, 1 K.B. 922, in which an attempt was made to obtain a rule for a writ of *certiorari* to quash an order made by the Home Secretary. In giving judgment in that case, Swinfen Eady, L.J., says at p. 930: "The Secretary of State is not required to justify in a Court of Law his reasons for making a deportation order in the case of an alien." I said at p. 935: "The Order applies to all aliens, whether alien enemies or alien friends. It confers upon the Secretary of State an unlimited discretion. He may order the deportation of any alien. It is impossible for any court of law to interfere with the exercise of that discretion, whether he exercises it because he considers the presence of an alien in this country undesirable on account of his character or antecedents, or because he considers it undesirable that he should remain in this country when his services are required in time of war by an allied country of which he is either a subject or a citizen." So that in the form of the order as it then stood this court has already expressed its view that it was impossible to challenge in a court of law the discretion exercised by the Home Secretary in making an order. The matter came before this court again in 1918, in the case of *Rex* v. *Chiswick Police Station Superintendent, ex parte Sacksteder*, 62 SOL. J. 363; 1918, 1 K.B. 578. There a question arose whether an arrest which had been made as a result of the deportation order was valid or otherwise. In that case Pickford, L.J., as he then was, in giving judgment said this, at p. 586: "It is not for me to consider whether it would not have been better that in the Order of 1916 there should have been some provision as to the form in which the order should be made. There is none. It seems to me any direction, whether oral or written, if it be made by the Secretary of State, is sufficient to satisfy the order." Whether it was as a result of that expression of opinion by the Lord Justice or not I do not know, but shortly after the decision in that case, and that expression of opinion, there was an alteration in the form of the order, and instead of running as it did under the Order of 1914, giving the Home Secretary a general discretion to make an order, the amended form of order runs thus: "A deportation may be made in any of the following cases," and then s-s. (*c*) is "if the Secretary of State deems it to be conducive to the public good to make a deportation order against the alien." I am not saying for a moment that that alteration of form limits the discretion of the Home Secretary, but it does indicate the grounds upon which he is called upon or is entitled to exercise it. It does not appear that as a result of the alteration of the order any alteration in the form of the order which is made has been made. A similar question came before the court again in 1923, in the case of *Rex* v. *Leman Street Police Station Inspector, ex parte Venicoff*, 1920, 3 K.B. 72, and the question there was whether under the order as amended in 1919, it was uncumbent upon the Home Secretary to hold an inquiry before making an order. It is not material to go into the decision in that case. It is only material to notice that although the form of the order had been altered by the date of the decision, the deportation order in fact made continued to be in the old form, and did not indicate on the face of the order that the Secretary of State had made the order because he deemed it to be conducive to the public good. The order in this case does not refer to the grounds upon which the Home Secretary acted, and in the absence of such grounds as the Attorney-General has just pointed out, it is competent for a person to go to a Divisional Court and apply for a rule *nisi* upon the suggestion that the Home Secretary has acted upon some insufficient ground, and that he has not stated the grounds upon which he in fact acted. With submission, I suggest that in orders that are made in future, it would be better to incorporate in the order itself the language used in Clause 12, Sub-clause (6) (*c*) of the Order at present in existence in order that it may be indicated on the face of the order as made, that the Home Secretary is purporting to act within the exact terms of the order giving him jurisdiction. I merely add that because it seems to me that this application would probably never originally have been made in the Divisional Court if the order had been in that form. It does not affect the jurisdiction of the court in the least, because it is plain that once it appears that the Home Secretary has purported to exercise the jurisdiction given him by that order it is impossible for this court to attempt to interfere. For these reasons I think that the appeal fails, and must be dismissed, with costs.

WARRINGTON, L.J.: I am of the same opinion. The question raised by the present appeal is as to the validity of an order for the deportation from the United Kingdom of the present appellant, who is an alien. The Act on which the present procedure depends, and which is now in force, is the Aliens Restrictions (Amendment) Act of 1919. That provides: "The powers which under sub-section (1) of section 1 of the Aliens Restriction Act, 1914 (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exercisable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exercisable, not only in those circumstances, but at any time." The period during which that section was to be operative was originally for one year from the passing of the Act, but that has from time to time been continued by the Expiring Laws Continuation Act, and accordingly the Act now in force provides that the powers given by the Act of 1914 are to be exercisable,

not only in the circumstances specified in the original Act, but at any time. Protection, however, was afforded to aliens in general by the provision that any Order in Council made under that Act should be laid before Parliament and might be annulled if an address for that purpose was presented to either House of Parliament. The Order in Council is that of the 25th March, 1920, and the particular clause is Clause 12. Clause 12 provides: "The Secretary of State may if he thinks fit in any of the cases mentioned in this article make an Order (in this Order referred to as a deportation order) requiring an alien to leave and to remain thereafter out of the United Kingdom," and then the cases are enumerated in sub-clause (6), and they include this: "If the Secretary of State deems it to be conducive to the public good to make a deportation order against the alien." The question was raised before us, and it had previously been raised as to the validity of the Order in Council itself, the argument being that while the Act provided for provision being made by an Order in Council for the deportation of aliens, that did not amount to authority to make an order which would authorise the deportation itself. That same argument was raised in *Rex* v. *Brixton Prison Governor, ex parte Sarno*, 1916, 2 K.B. 742, and it was dealt with and negatived by Lord Reading, C.J., at page 749 of that report. The Order in Council therefore was, I think, validly made in accordance with the provisions of the statute. Now, the next question is, has the deportation order been made in accordance with the provisions of the Order in Council. In my opinion it has. The Order in Council authorised the Home Secretary to make such an Order if he deems it to be conducive to the public good to make it. In *Venicoff's Case*, 1920, 3 K.B. 72, the question was raised as to whether that entitled the Home Secretary to make the Order as a matter in his discretion, and at at p. 78 Lord Reading says: "Turning now to the statute, Article 12, and the deportation order made under it, I have no doubt that it is not for us to pronounce whether the making of the order is or is not conducive to the public good"; in other words that that is a matter which was left by Parliament and by the Order in Council for the decision of the Home Secretary. The Home Secretary in the present case has, as appears by the affidavit which has been filed, taken the matter into consideration, and deems it to be conducive to the public good that this particular order should be made. There, in my opinion, is an end of the matter. The Home Secretary had a discretion given him by the Order in Council, and it is proof that he has exercised it; but I agree with what has been said by Bankes, L.J., that it would be desirable in future, to prevent any such question being raised, that the order made under the Order in Council should on the face of it state that the Home Secretary deeming it conducive to the public good has made the order, so as to show that he has made the order under the particular circumstances under which the Order in Council says that it may be made. I agree that the appeal fails.

SCRUTTON, L.J.: I agree. Appeal dismissed.—COUNSEL: *E. H. Coumbe* and *A. Anderson*; *Sir Patrick Hastings*, A.-G., and *Giveen*. SOLICITORS: *E. L. L. Foakes*; *Treasury Solicitor*.

[Reported by T. W. MORGAN, Barrister-at-Law.]

High Court—Chancery Division.

***Re* PENTON'S SETTLEMENT: PENTON *v.* LANGLEY.**

Eve, J. 15th April.

SETTLED LAND—POWER OF APPOINTMENT—HEIRLOOMS—TO DEVOLVE WITH THE SETTLED LAND—IMPLIED CORRESPONDING POWER OVER CHATTELS—EXERCISABLE SEPARATELY.

Under a trust to allow certain jewels to devolve and be enjoyed as heirlooms along with the settled land, it was held that the first tenant for life and his eldest son must by implication have a joint general power of appointment over the jewels, corresponding with but exercisable independently of the similar power given to them over the settled land.

By a settlement certain freehold hereditaments were conveyed to such uses, upon such trusts, and subject to such powers as F. T. Penton should jointly with his eldest son, the plaintiff H. A. Penton, by deed revocable or irrevocable appoint, and in default of and until and subject to any such appointment to the use of trustees for the term of 1,000 years, upon trust and subject as therein mentioned and subject to the said term to the use of F. T. Penton for life, and after his death to the use of H. A. Penton for life, with remainder to the use of his first and other sons successively in tail male, with remainder to the use of C. F. Penton, the second son of F. T. Penton, for life, with remainder to the use of the first and other sons of C. F. Penton successively in tail male, with divers remainders over. By the same indenture certain jewels were assigned upon trust to allow the same to devolve and be enjoyed, so far as the law would permit, as heirlooms along with the settled land, but so that they should not vest absolutely in any person made tenant in tail male or in tail general by purchase until such person attained twenty-one, and either became entitled to actual possession or to the rents and profits of the settled land, or with the consent of the protector of the settlement barred the entail. H. A. Penton had one son only, who died in 1918. C. F. Penton had one son only, the defendant J. M. Penton, an infant. On 31st October, 1923, the two plaintiffs jointly and irrevocably appointed that the trustees should stand possessed of the jewels in trust for the plaintiff F. T. Penton absolutely. By this summons the plaintiff asked for a declaration that the trust to allow the jewels to devolve as heirlooms conferred on the plaintiffs a joint general power of appointment by deed of the jewels, corresponding with but exercisable independently of the joint general power of appointment of the settled land.

EVE, J.: The question is one of construction. Where chattels are settled as heirlooms *simpliciter*, or, in more elaborate terms, to go along and be enjoyed with the settled estate so far as the rules of law and equity permit, or, in other language sufficient to demonstrate the intention of the settlor that the possession and enjoyment of the chattels shall accompany the settled land through all the changes of ownership that may occur during the time allowed by law for postponing the absolute vesting of personal property, the single word or more lengthy expression amount in each case to a declaration by implication of such trusts of the personalty as correspond with the limitations of the realty, and where the trusts of the personalty are not expressed *in extenso* they must be ascertained by reference to the limitations of the realty. In the settlement with which I have to deal, the first limitation is to such uses as the father and son may jointly appoint, and in considering whether a corresponding trust is to be implied in the case of the chattels, one is justified in inquiring what would be their devolution if father and son exercised their joint power over the realty, there being no such trust affecting the chattels. Would they be affected by the appointment of the realty, and, if so, how? If not, what would be their destination? When these questions were put to counsel for the remainderman he argued that the chattels would remain vested in the trustees in trust for those who would have taken under the limitations in default of the exercise of the overriding power, but that seems to me an impossible position, seeing that it would at once sever the chattels from the realty. I think one is bound to import into the trusts of the chattels a power of appointment corresponding with the first limitation of the realty as the only means of securing unity of ownership in the event of the realty being withdrawn from the settlement. The question then arises, if such a trust is included in the trusts of the personalty, can it be construed in a qualified sense so as to be restricted to occasions when the realty is being dealt with under the corresponding limitation. I think not. The effect of the overriding power is to reserve to the settlors the right to withdraw from settlement the settled property, and in the absence of any express restriction the limitation of the realty and the trust of the personalty must, in my opinion, bear the same construction and may each be exercised separately. I think the plaintiffs are entitled to the declaration for which they ask. The costs will be paid out of any capital moneys in the hands of the trustees.—COUNSEL: *Slafford Crossman*; *R. L. Ramsbottom*; *R. M. Pattisson*. SOLICITORS: *Lee & Pembertons*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

High Court—King's Bench Division.

PROUT *v.* HUNTER. 7th April.

LANDLORD AND TENANT—UNFURNISHED HOUSE—PART SUBSEQUENTLY FURNISHED AND SUB-LET BY TENANT AS FLATS—RIGHT OF RECOVERY OF POSSESSION BY LANDLORD—INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920, 10 & 11 Geo. 5, c. 17, s. 12 (2).

The tenant of three flats (in a block of flats) to which the Rent Restriction Acts applied, occupied one of them, and furnished and sub-let the remaining two to sub-tenants. The superior landlord gave to the tenant notice to quit, and brought an action for recovery of possession.

Held, that the premises which the tenant had sub-let were not protected by the statutes, and that the landlord was entitled to possession.

Appeal from the Lambeth County Court. The plaintiff, who owned a block of flats at Brixton, let three flats to the defendant, who occupied one of them, and furnished the remaining two, which she subsequently let to two sub-tenants. The landlord gave notice to quit to the defendant and commenced this action in the county court to recover possession of the flats which had been sub-let. One of the grounds of the action was that the

premises being furnished, flats were outside the scope of the Acts The county court judge decided in favour of the tenant. The landlord appealed.

By s. 12 (2) of the Increase of Rent and Mortgage Interest (Restrictions) Act, it is provided: "This Act shall apply to a house or a part of a house let as a separate dwelling, where either the annual amount of the standard rent or the rateable value does not exceed" (the amounts therein stated) "and every such house or part of a house shall be deemed to be a dwelling-house to which this Act applies: Provided that (i) this Act shall not, save as otherwise expressly provided, apply to a dwelling-house *bonâ fide* let at a rent which includes payments in respect of board, attendance, or use of furniture."

BAILHACHE, J., delivering judgment, said that the question for the consideration of the court was whether s. 12 (2) of the Act had to do with the status of the premises or with the respective rights of the tenants. In his view, it applied to the status of the premises, and it was necessary to consider whether the flats were occupied at the material time at a rent including the use of furniture. Having regard to the decision in *Glossop* v. *Ashley*, 65 SOL. J., 695; 1922, 1 K.B. 1, it was necessary to look at the letting to the occupying tenants, and not at the letting to the mesne tenant. As they were let to the occupying tenants *as* furnished flats they were outside the protection of the statute. The appeal must therefore be allowed.

ACTON, J., agreed, and the appeal was allowed.—COUNSEL: *A. Safford; Maurice Healy.* SOLICITORS: *Dallimore, Pilbrow and Co.; H. J. Sydney & Co.*

[Reported by J. L. DENISON, Barrister-at-Law.]

HARTLAND *v.* **DIGGINES.** 27th March.

REVENUE—INCOME TAX—EMPLOYEE OF COMPANY—INCOME TAX ON SALARY PAID BY COMPANY—NOT IN PURSUANCE OF CONTRACTUAL OBLIGATION—WHETHER SUM PAID IN RESPECT OF INCOME TAX AS SALARY ASSESSABLE.

The sum paid by a company as income tax in respect of the salary of one of its employees, and not deducted from that salary, is (even though the company has not entered into any contract with the employee for the payment of that sum) part of the income of the employee for income tax purposes.

North British Railway Co. *v.* Scott, 67 SOL J., 122; 1923, A.C. 37, *referred to.*

Case stated by Commissioners of Income Tax on public offices or employments of profit in the City of London. The appellant, Henry Hartland, who was in the employment of the New Zealand Shipping Co. Limited, throughout the year of assessment, appealed against an assessment to income tax made upon him under Sched. E for the year ending 5th April, 1919. It had been the custom of the company, since 1912, to pay every year the income tax in respect of the salaries of its employees, and for the year of assessment the amount so paid was included in the accounts of the company under the heading "Income Tax, Staff," and had been deducted in arriving at the profits of the company for the year of assessment. The sum so paid by the company in respect of the appellant's salary was £80 5s. The company had paid and borne the income tax in respect of the appellant's salary since 1912. They had, however, entered into no agreement, orally or in writing, with the appellant to do so. The question for the decision of the Court was whether the said sum of £80 5s. was rightly included in the appellant's assessment to income tax.

ROWLATT, J., delivering judgment, said that the simple question for his decision was whether the sum of £80 5s. was an emolument accrued to the appellant by reason of his office within the meaning of Sched. E. In a recent case in the House of Lords, *North British Railway Co.* v. *Scott*, *supra*, a railway officer had by contract a salary which was to be paid free of tax, and it was held that the effect of that was that his real salary was a sum which, after deduction of income tax, would leave the sum which was stated to be payable to him as salary free of tax. In the present case there was no contract. His lordship did not think that a case such as the present, where there was no contract, was covered by the decision in *North British Railway Co.* v. *Scott*, *supra*. The question was whether the payment was a payment in respect of employment. This payment of the tax must, in his lordship's view, be looked at as an emolument given to the appellant in his position as an officer of the company. It did not seem right to regard the position as being the same as a payment which might be made on the appellant's behalf by a charitable friend. The appeal must be dismissed.—COUNSEL: *Latter*, K.C., and *Edwardes Jones*; *Sir H. H. Slesser* (Sol.-Gen.) and *Reginald Hills*. SOLICITORS: *Thomas Eggar & Son; The Solicitor of Inland Revenue.*

[Reported by J. L. DENISON, Barrister-at-Law.]

In Parliament.

House of Commons.

Questions.

LAW OF PROPERTY ACT, 1922.

Mr. A. T. DAVIES (Lincoln) asked the Prime Minister whether he is aware of the grave inconvenience to practising solicitors due to the present uncertainty as to the Government's intentions regarding the Law of Property Act, 1922, since it is generally admitted that it is impossible for this Act to come into force, as intended, on 1st January next, in its present form; whether a systematic codification of other portions of the Act is now under consideration; whether he is aware that no reliable books of precedents have been issued; and what is the Government's intention with regard to this Act as to its postponement, wholly or in part?

The ATTORNEY-GENERAL: I have been asked to reply. I would refer the hon. Member to the answer I gave to a similar question addressed to me by the hon. Member for Bodmin (Mr. Foot) on 2nd April last [*ante*, p. 543]. The Consolidation Bills rendered necessary by the passing of the Law of Property Act, 1922, have not yet been received. It is, I think, clear that it will be necessary to postpone the date when the changes in the laws would come into operation from the 1st January, 1925, to the 1st January, 1926. (14th May.)

INDUSTRIAL COURTS AMENDMENT BILL.

Mr. BETTERTON (Nottingham, Rushcliffe) asked the Prime Minister whether it is the intention of the Government to give facilities for the discussion of the Industrial Courts Amendment Bill which has now passed its Third Reading in another place?

The PRIME MINISTER: The answer is in the negative. (19th May.)

MOTOR VEHICLES (COMPULSORY INSURANCE).

Mr. BAKER (Bristol, East) asked the Minister of Transport whether he is aware that in many cases the owners of motor cars do not insure their cars nor themselves against third-party risks, with the result that, should an accident occur, the injured persons are unable to obtain compensation; and whether he will consider the desirability of insisting upon the compulsory insurance of all motor vehicles?

The MINISTER OF TRANSPORT (Mr. Gosling): The question of compelling motorists to insure against accidents has been, and is still, under consideration. There are, however, practical and administrative difficulties in framing any satisfactory scheme. Legislation would be required before any such scheme could be put into operation. (20th May.)

Bills Presented.

Vivisection (Prevention of Public Expenditure) Bill—"to prevent the payment out of public funds of moneys for experiments on living animals": Lt.-Com. Kenworthy, on leave given. [Bill 129.]

Indictable Offences (Regulation of Reports) Bill—"to regulate the publication of reports in cases of indictable offences": Capt. Berkeley, on leave given. [Bill 130.]

Liquor Traffic Local Option (England and Wales) Bill—"to promote temperance by conferring on the electors in prescribed areas control over the grant and renewal of licences; by amending the Law relating to clubs; and for other purposes incidental thereto": Mr. Leif Jones. (14th May.)

Rent and Mortgage Interest Restrictions (No. 2) Bill—"to extend the period of control of rents": Mr. Ernest Brown. [Bill 132.] (15th May.)

Sale of Bread Bill—"to provide for the better protection of the public in relation to the sale of Bread": Mr. Webb. [Bill 135.] (16th May.)

Bills under Consideration.

30th April: Rent and Mortgage Interest Restriction Acts (1920 and 1923) Amendment Bill. Read a Second Time and committed to a Standing Committee.

Guardianship of Children (Scotland) Bill. Read a Second time and committed to a Standing Committee.

2nd May: Representation of the People Act (1918) Amendment (No. 2) Bill. Second reading of the Bill, which is intended to introduce Proportional Representation, moved by Mr. Rendall. Motion for rejection by the Duchess of Atholl—carried by 238 votes to 144.

5th May: Prevention of Eviction Bill, as amended in Standing Committee, considered, amendments made, and Bill read a Third time and passed.

War Charges (Validity) (No. 2) Bill. Second Reading moved by the Chancellor of the Exchequer (Mr. Snowden). Mr. Leif Jones moved the following amendment for rejection:

"This House declines to give a Second Reading to a Bill which seeks to validate the illegal and unconstitutional action of certain Government Departments in imposing and levying charges on His Majesty's subjects, without Parliamentary sanction, after the cessation of hostilities, and to deprive those who suffered these exactions of the redress which they have either secured by judgments of the Courts or are seeking to secure by claims already lodged."

Amendment supported by Mr. Jowett, Sir Herbert Nield, Major Moulton, Mr. Nesbitt, and Mr. Harvey, but rejected by 155 to 101. Bill read a Second time, and committed to a Committee of the Whole House.

Protection of Birds Bill: Read a Second time, and committed to a Standing Committee.

7th May. County Courts Bill: Second Reading moved by the Attorney-General (Sir Patrick Hastings). Bill read a Second time and committed to a Standing Committee.

Small Debt (Scotland) Bill: Read a Second time and committed to a Standing Committee.

8th May. Marriage (Prohibited Degrees of Relationship) Bill: Read a Second time and committed to a Standing Committee.

9th May. Government of Scotland Bill: Second Reading moved by Mr. Buchanan. Amendment for Rejection, Sir John Baird. Debate adjourned.

12th May. Local Authorities (Emergency Provisions) Bill: Not amended in the Standing Committee, considered, read the Third time and passed.

Poor Law Emergency Provisions Continuance (Scotland) Bill: Not amended in the Standing Committee, considered, read the Third time and passed.

Friendly Societies Bill (Lords): On motion of Mr. W. Graham, read a Second time and committed to a Committee of the Whole House.

School Teachers (Superannuation) Bill. Not amended in the Standing Committee, considered, read a Third time, and passed.

Marriages Validity (Provisional Orders) Bill (Lords). Second Reading moved by the Under-Secretary of State for the Home Department, Mr. Rhys Davies. Debate adjourned.

13th May. Finance Act, 1915 (New Import Duties). Mr. Baldwin moved:—

"That it is inexpedient, in the midst of the present distresses, to remove the new Import Duties imposed by the Finance Act of 1915, by which much employment has been preserved."

After debate, negatived by 317 to 252.

14th May. County Courts (Salaries and Allowances). Considered in Committee.

Motion made, and Question proposed,

"That it is expedient to authorise the payment out of moneys provided by Parliament, of all salaries, allowances, and other sums which, under any Act of the present Session to amend the Law relating to officers of County Courts in England and of district registries of the High Court in England, and to make further provision with respect to such County Courts and proceedings therein, and for purposes connected therewith, are payable to registrars, high bailiffs, assistant registrars, clerks, bailiffs, ushers, or messengers of County Courts, to the registrars and clerks of district registries of the High Court, and to certain officers in the Department of the Lord Chancellor."

After debate, agreed to.

15th May. Advertisements Regulation Bill (Lords). Read a Second time, and committed to a Standing Committee.

16th May. Nationalisation of Mines and Minerals Bill. Second Reading moved by Mr. George Hall. Amendment for rejection, Mr. Samuel Roberts. After debate, carried by 264 to 168.

19th May. Administration of Justice Bill (Lords). Second Reading moved by the Attorney-General, Sir Patrick Hastings. In the course of the debate—

Mr. NESBITT, who said that he had the advantage of speaking with the authority and the approval of the Council of The Law Society, of which he was a member, said:—

I want to say a few words with regard to clause 1 which the Attorney-General has described, and which deals with the difficulties which have arisen when Assizes are held in towns where there is no business to be conducted. I wish to refer to that clause rather particularly because it is the result of the Report of a Committee appointed by the Lord Chancellor and presided over by Mr. Justice Rigby Swift, and of which I and the hon. and learned Member for Gillingham (Sir G. Hohler) were members. The clause exactly describes what the Report of that Committee, which was composed largely of King's Counsel from different circuits, desire should be included in the Bill. This Committee was confronted with a long list of towns at which it was said Assizes need not be held in the future, towns where perhaps there has been only one case in a year, and possibly not even that. It was felt that it would be difficult to specify those circuit towns where Assizes should not be held with any satisfactory results. Therefore clause 1 is one with regard to which I have heard no comment.

The clause around which most of the discussion this evening has revolved I do not propose to say anything about, and that is the proposal which deals with the restoration of the right to trial by jury. But there is another clause in the Bill to which I wish to direct the attention of the House. The Administration of Justice Bill, so far as it goes, is good, but it does not go far enough. In a Bill of this character, which is the result of very careful consideration of all the matters dealt with in it, and the result of the Report of the Committee to which I have referred, I quite realise that it could not deal with all the matters to be amended; but I hope when this Bill gets into Committee, that the particular matter I am about to mention, which is of great public importance, will receive attention, and I am hoping to move an Amendment in Committee dealing with it, and, therefore, I think it is right to call the attention of the House to the point I want to make.

Clause 11 deals with probate registries. There are forty probate registries in this country in which the wills of persons who die can be proved, or at which grants of letters of administration can be made to the legal representatives of those who die and do not leave wills. A great many wills are proved in London, but with regard to the wills of persons not proved in London they must be proved in the particular probate registry district within the jurisdiction of which the testator or the intestate was living when he died. That, I think, is quite intelligible, because I believe in 1857 the ecclesiastical jurisdiction with regard to the proving of wills was taken as the basis for a new jurisdiction, and the probate registries were established in that way. Having regard to the ecclesiastical jurisdiction which prevailed before, I have an idea that the time has now come for reducing the number of probate registries, and this has been recommended by a Committee presided over by Mr. Justice Tomlin. It has not, however, been dealt with in this Bill, and I do not complain of that. The matter is dealt with in the same way as assize towns, and I know which towns probate registries are proposed to be removed, but that is not germane to the Report to which I have alluded.

I will take a concrete example. In the case, say, of a merchant who has carried on his business in Liverpool, whose executors are in Liverpool, whose property is in Liverpool, whose solicitors are in Liverpool, but who, like all proper Liverpool merchants, lives across the Mersey in Cheshire, and dies in his bed in Cheshire, where Liverpool merchants should die, why should his will not be capable of being proved in Liverpool? It has to be proved in Cheshire, because, at the time of his death, he happened to be living in Cheshire. I would ask the Attorney-General to consider, when the time comes, whether clause 11 of the Bill, which deals with the number of probate registries, cannot be extended, or a new clause added, putting an end to that territorial jurisdiction, which I submit is now out of date for the reasons I have given. In the Report of the Royal Commission, I think in 1915, dealing with the Civil Service, there was a recommendation that the territorial jurisdiction of probate registries should be brought to an end, and that a man's will should be proved in that probate registry in which it was most convenient that it should be proved. The Report, issued in October last year, of Mr. Justice Tomlin's Committee, which was a strong Committee and considered the whole matter, says:—

"We think that the existing system should be remodelled and reorganised upon the following lines, that is to say:—

"1. At present each registry has a jurisdiction only in respect of its own district. We think that this territorial jurisdiction should be abolished, and that every registry should have jurisdiction irrespective of locality. This will necessitate some slight change of practice in order to guard against duplication of grants, but we are satisfied that there is no difficulty in this respect which cannot be overcome."

The Report of the Royal Commission in 1915 recommended this, and the branch of the profession to which I belong, and which is much concerned in the proving of the wills of testators or getting grants of letters of administration, knows how needful is this reform. This matter of the territorial jurisdiction of probate registries has also been considered by a body with which many Members of this House are acquainted, called the Associated Provincial Law Societies. It consists of sixty-two separate law societies, and they have great experience, because they are situated in different parts of the country. They have unanimously agreed that this is an amendment of the law which should be introduced and included in any such Bill as the present. The Council of The Law Society takes that view also, and it is very largely at their request and at the request of the Associated Provincial Law Societies that I have drawn the attention of the House to this matter.

My last point is one which I think can be dealt with in Committee, and I only refer to it now in case it should be said that it was not mentioned here. It appears to me that the question of the qualification of persons for appointment to offices in the Supreme Court should now be defined, as it is defined in the Schedule to this Bill. The qualifications of these various persons is to be found scattered, as so often happens in these cases, piecemeal through different Acts of Parliament, or is the result of rules, or of custom and habit. Clause 3 of the Bill requires that:

"A person shall not be qualified for appointment to any of the offices in the Supreme Court specified in the first column of the First Schedule to this Act unless he is a person of the description specified in the second column of that Schedule in respect of that office."

For example, there are the masters in the King's Bench Division, the official referees, masters in lunacy, registrars in lunacy, taxing masters, and other officers who perform important work in the Supreme Court. The qualifications of persons appointed to these offices are now clearly defined, to the great advantage, I think, of all persons belonging to the service. There are only two of these classes of officers about whom I should like to say a word, which, perhaps, might more fittingly be said in Committee. One is the master in lunacy, who performs an enormous amount of work of a similar kind to that done by the masters in Chancery. Far be it from me to enter into any discussion with regard to the administration of the lunacy laws, or even of the property of persons dealt with under those Statutes; but this work refers in the main to the affairs of persons who are not found lunatics by inquisition, but who, under that kindly clause about age and infirmity, are not able to manage their affairs, and some member of whose family is appointed a receiver to manage them for them, very much as the affairs of infants are managed. That jurisdiction with regard to aged and infirm persons came into the law about 1890, and that particular business has been growing ever since. The bulk of it is done in the offices of the Masters in Lunacy. The qualification of the Master in Lunacy is three-fold, and I think that the Royal Commission on the Civil Service recommended that he should be a practising barrister of not less than ten years' standing, or a solicitor of the same standing. I do not want to pursue that matter beyond saying that it is a great advantage, if the choice is sufficiently wide, that that should be so. There may be a word also to be said with regard to the office of Taxing Master, who performs functions with which most Members of this House are probably unacquainted, and which, therefore, being a technical matter, may be more properly discussed during the Committee stage of the Bill. With regard to the territorial jurisdiction of probate registries, I would ask the Attorney-General to take into account what I have ventured to say, and, subject to that, and to the assurance with regard to juries, so far as those for whom I have the honour to speak are concerned, I hope the Bill will receive a Second Reading.

Mr. FOOT: I wish to refer to the subject raised by the last speaker as to clause 11. I hope some regard will be had to the claims of these several districts. The Act of 1857 expressly stated what the district registries should be. That was done by an Act of Parliament, and of course this House had its say in the passing of the Bill. What I object to in the present Bill is that instead of deciding what the new district registries shall be by an Act of Parliament, we put it entirely in the hands of the President of the Probate Division, with the concurrence of the Lord Chancellor. I think it should be made a Schedule to some Bill passed in this House, so that the several districts concerned might be able to express their objection through their representatives in the House. A decision affecting very substantially the interests of a locality may be made by the President of the Probate Division with the concurrence of the Lord Chancellor, and any protest of the locality may be entirely unavailing. I have read the Report of Mr. Justice Tomlin's Committee, but I think a very real convenience is served by these district registries. It means that in many cases in the locality, without the intervention of solicitors or without any local help at all, people in poorer circumstances can get help in having their wills proved. That is a convenience which is much appreciated by poor people, and if you take a district registry and move it many miles away you will put these poorer people to an expense they can ill afford to bear; and I think the total saving that is sketched in that Report, something over £8,000, will perhaps not altogether compensate for the additional expense to which sometimes these people will be put. There is strong pressure being brought to bear upon several localities. I know that several towns which were affected by the proposals of Mr. Justice Tomlin's Committee were circularised, and if it were not that I desire that the Attorney-General may have an opportunity of replying as soon as possible I should like to show how vigorous those protests were from the different parts of the country which were affected. I am doubtful whether there will be a very substantial saving. I think it is certain that real inconvenience will be caused sometimes to those who can least bear inconvenience, and I ask that the Attorney-General may consider clause 11 upstairs so that any protests which a locality concerned desires to make may be made effective. With all respect to the Lord Chancellor and the President of the Probate Division, I think that when in the Act of 1857 this House decided where the district registries should be and made a Schedule in the Act of Parliament, we ought not to take that power entirely away from it now, and give it to two very highly placed and distinguished persons over whose decisions we shall have no control and against whose decisions the localities will not be able to make any availing protest. I hope some Amendment will be made upstairs and that the rights of these authorities, which go back not merely to 1857 but succeeded to earlier rights going back for centuries, should not be put in jeopardy.

The Bill was read a Second time and committed to a Standing Committee.

Marriages Validity (Provisional Orders) Bill (Lords). Debate resumed and Bill read a Second time and committed to a Standing Committee.

New Orders, &c.

Supreme Court of Judicature (England).

ORDER OF THE LORD CHANCELLOR SUSPENDING THE APPLICATION OF THE PROCEDURE OF ORDER XI, RULE 8, OF THE RULES OF THE SUPREME COURT TO BELGIUM.

I, RICHARD BURDON VISCOUNT HALDANE OF CLOAN, Lord High Chancellor of Great Britain, hereby direct that the Order of the Lord High Chancellor dated the 2nd day of August, 1910, ordering that Order XI, Rule 8, of the Rules of the Supreme Court shall apply to Belgium, be and the same is hereby suspended as and from the 22nd day of May, 1924, being the date upon which the Convention between the United Kingdom and Belgium respecting legal proceedings in civil and commercial matters signed on June 21st, 1922, comes into force.

Dated the 12th day of May, 1924. *Haldane*, C.

Misappropriation of Client's Money.

Before Mr. Justice Greer, at the Central Criminal Court on the 6th inst., says *The Times*, Herbert Roger Sadd, fifty-nine, solicitor, on bail, pleaded "Guilty" to an indictment charging him with converting to his own use and benefit certain deeds entrusted to him by Lord Foley, and the sum of £482, of which he was trustee under the will of the late Lady Mary Foley.

Mr. Justice Greer sentenced the defendant to three years' penal servitude, saying that it was impossible to regard fraudulent conversion by a solicitor as other than a grave and serious offence, which must be fittingly punished.

Mr. Percival Clarke, for the prosecution, said that since 1916 the defendant had practised as a solicitor in the City. In 1922 a receiving order in bankruptcy was made against him, and the statement of affairs which he filed showed his liabilities £26,000 and assets £8,000, a deficiency amounting of £18,082. In the return of unsecured creditors this sum appeared as £22,000. In addition there was proof of a debt to Lord Foley of £22,900, but it was only right to say that that sum was disputed by the defendant. The defendant began to act as solicitor for Lord Foley in 1918, when Lord Foley was a minor, and he continued to be his solicitor until 1922. In 1919 Lord Foley went to Italy and the defendant put before him for signature before he went what he (Mr. Percival Clarke) could only describe as a most improper document for a solicitor to put before a client of Lord Foley's age. The document was a power of attorney to the defendant in the widest possible terms, and gave him authority to sell Lord Foley's property and to invest the money in his own name, or any other. As soon as Lord Foley had gone the defendant began to realize the estates, selling them and investing the money in all sorts of wild-cat schemes of his own in which he was financially interested. Among other things he bought for Lord Foley in his own name a block of property in Westminster Bridge-road, and when he (the defendant) wanted to raise money he pledged the deeds and mortgaged the property to the bank to cover his overdraft. Lord Foley had to pay nearly £5,000 to get the deeds liberated.

Mr. Ronald Powell, for the defendant, said the defendant's accounts were very muddled, and the accountants who were examining them were not agreed as to the amount of his indebtedness to Lord Foley. The defendant had been in practice as a solicitor since 1896, and this was the first accusation ever made against him. Until the Foley estates came into his hands his practice was quite a small one, and it proved too much for his capacity. It was, said Mr. Ronald Powell, a case of a man not being born great and having greatness thrust upon him with disastrous consequences. The defendant had been foolish rather than criminal. He did not render any bill of costs to Lady Mary Foley during her lifetime, and he claimed that the costs to which he was entitled more than counterbalanced the £482 which it was alleged that he had misappropriated. In 1921 he was in ill-health and worried by a lawsuit.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate 4%. Next London Stock Exchange Settlement, Thursday, 12th June.

	Middle Price. 21st May.	Interest Yield. £ s. d.
English Government Securities.		
Consols 2½%	57⅞	4 7 0
War Loan 5% 1929-47	100⅞	4 19 0
War Loan 4½% 1925-45	97¼	4 12 0
War Loan 4% (Tax free) 1929-42	101½	3 19 0
War Loan 3½% 1st March 1928	97	3 12 6
Funding 4% Loan 1960-90	88⅛	4 10 6
Victory 4% Bonds (available at par for Estate Duty)	92¼	4 6 6
Conversion Loan 3½% 1961 or after ..	78	4 10 0
Local Loans 3% 1912 or after	66½	4 11 0
India 5½% 15th January 1932	103	5 7 0
India 4½% 1950-55	88	5 2 0
India 3½%	67½	5 4 0
India 3%	58	5 3 6
Colonial Securities.		
British E. Africa 6% 1946-56	113½	5 6 0
Jamaica 4½% 1941-71	95	4 14 6
New South Wales 5% 1932-42	102	4 18 0
New South Wales 4½% 1935-45	96⅜	4 13 0
Queensland 4½% 1920-25	100	4 10 0
S. Australia 3½% 1926-36	87	4 0 6
Victoria 5% 1932-42	101½	4 18 6
New Zealand 4% 1929	96	4 3 6
Canada 3% 1938	84	3 12 6
Cape of Good Hope 3½% 1929-49	82	4 5 0
Corporation Stocks.		
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	54	4 12 6
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	65	4 12 6
Birmingham 3% on or after 1947 at option of Corpn.	65	4 12 6
Bristol 3½% 1925-65	77	4 11 0
Cardiff 3½% 1935	88	4 0 0
Glasgow 2½% 1925-40	75	3 7 0
Liverpool 3½% on or after 1942 at option of Corpn.	76½	4 11 6
Manchester 3% on or after 1941	65¼	4 12 0
Newcastle 3½% irredeemable	76	4 12 0
Nottingham 3% irredeemable	64½	4 13 0
Plymouth 3% 1920-60	69	4 7 0
Middlesex C.C. 3½% 1927-47	82½	4 5 6
English Railway Prior Charges.		
Gt. Western Rly. 4% Debenture	87	4 12 0
Gt. Western Rly. 5% Rent Charge ..	106	4 14 0
Gt. Western Rly. 5% Preference	105	4 15 0
L. North Eastern Rly. 4% Debenture ..	85¼	4 13 0
L. North Eastern Rly. 4% Guaranteed ..	84¼	4 14 6
L. North Eastern Rly. 4% 1st Preference	82½	4 17 0
L. Mid. & Scot. Rly. 4% Debenture ..	86½	4 12 6
L. Mid. & Scot. Rly. 4% Guaranteed ..	84¾	4 14 0
L. Mid. & Scot. Rly. 4% Preference ..	82½	4 17 0
Southern Railway 4% Debenture ..	85¼	4 13 6
Southern Railway 5% Guaranteed ..	103½	4 16 6
Southern Railway 5% Preference ..	103	4 17 0

Lieutenant-Colonel Alan Chichester, Chief Constable of Hunts, in a letter to *The Times* (19th inst.) says:—It is too often said that the penalties that can be imposed on reckless drivers are not severe enough. With few exceptions, the Benches of Magistrates do not exercise their full powers. If more severe penalties, including endorsement and suspension of licences, were inflicted we should notice a very appreciable improvement in the way motor-vehicles are driven. Give the law as it stands a fair trial. This has not yet been done.

Societies.

Gray's Inn.

The Right Hon. Mr. Justice Duff, Judge of the Supreme Court of Canada, and a member of the Judicial Committee of the Privy Council, has been elected an Honorary Master of the Bench of Gray's Inn.

The Society of Incorporated Accountants and Auditors.

The Council of the Society of Incorporated Accountants and Auditors have re-elected Mr. George Stanhope Pitt (Bolton, Pitt & Breden), London, and Major Gwilym Arnold Evans, J.P. (G. A. Evans & Evans), Cardiff and London, to the respective offices of President and Vice-President for the ensuing year.

The Council have also elected as Honorary Members Sir Malcolm Ramsay, K.C.B., Comptroller and Auditor-General, Exchequer and Audit Department, and Sir Josiah Stamp, K.B.E., D.Sc., Examiner in Economics and Statistics to the Society.

United Law Clerks' Society.

ANNIVERSARY FESTIVAL.

The Ninety-second Anniversary Festival of the United Law Clerks' Society was held at the Hotel Cecil on Thursday, the 15th inst., Mr. Justice Sankey, G.B.E., taking the chair. Among those present were Mr. Justice McCardie, the Solicitor-General, The Hon. Sir Charles Russell, K.C., Sir Thomas Inskip, C.B.E., K.C., M.P., Mr. T. R. Hughes, K.C., Mr. F. P. M. Schiller, K.C., Sir Henry Maddocks, K.C., Mr. H. Claughton Scott, K.C., Mr. Alexander Neilson, K.C., Mr. Wilfrid Greene, K.C., Mr. Gavin Simmonds, K.C., Mr. J. W. Galbraith, K.C., M.P., Mr. James D. Cassels, K.C., M.P., Mr. J. Hunter Gray, K.C., The Earl of Halsbury, K.C., Mr. Ernest B. Charles, C.B.E., K.C., Mr. R. M. Montgomery, K.C., Mr. F. F. Barrington-Ward, K.C., Mr. Ward Coldridge, K.C., Mr. J. Arthur Barratt, K.C., Mr. A. A. Hudson, K.C., Mr. Cecil Whiteley, K.C., Sir Leonard Kershaw, Sir Roger Gregory, Mr. John J. Withers, C.B.E., Mr. G. Malcolm Hilbery, Mr. Charles G. May, Mr. Thomas Meares, Mr. Dixon H. Davies, Mr. H. North Lewis, Sir T. Cato Worsfold, Mr. H. Du Parcq, Mr. E. J. Hecksher, Mr. C. T. Abbott, Mr. F. M. Guedalla, Mr. T. W. C. Carthew, D.S.O., Mr. J. B. Melville, Mr. Henry Mills and Mr. Henry R. Lewis.

After the loyal toasts,

Mr. Justice Sankey proposed the toast "The United Law Clerks' Society." He said it was desirable that the judge should say as little as possible, and he owned that when on the bench it was his difficulty to be silent. He called to mind that one day, when, after experiencing some very rough weather in the House of Lords, he returned to the peace and quiet of the Temple, he made a vow that if ever he were made a judge, which, after the controversy he had just had with the then Lord Chancellor seemed to him a highly improbable event, he would hold his tongue for the first half hour he sat on the bench. He was sorry to have to tell them that it was very lucky for him that it was a vow he had made and not a bet. It appeared to him that the relationship which existed between employers and employed in the law was one of the most pleasant and most satisfactory things

connected with the profession. In scores of cases it meant a life-long partnership founded upon mutual confidence and mutual esteem. Take the judges' clerks, there were those who had been with their principals for over forty years. His own clerk had been with him from the beginning. There were scores of the clerks of the different Inns who had been in the same chambers for many years. When, nowadays, he came into court in the morning he knew at once what barristers were going to appear in the cases, and he knew pretty accurately the sort of cases he was going to try. Then there were the solicitors' clerks, and the barristers knew them a great deal better than they knew the heads of the firms with whom they were. The only occasion when the barristers saw the heads of the firms was at the final consultation and for *bonâ fide* purposes only. The managing clerks were their guides, philosophers and friends. In the bear-garden and on many other occasions they were of the greatest assistance to the barrister, and finally, and the most remarkable achievement of all, they delivered the witnesses in good order and condition, even though the case did not come on until after lunch. He had vivid remembrance of the kindness and consideration of many a managing clerk, ever since the time when he first came to London unknown and without influence, until he had reached his present position of one of His Majesty's judges. He often thought that one of the chief causes of the present industrial unrest was the want of personal touch between employed and employer. Happily, that personal touch had never been lost in the legal profession, and the law in this respect could set a great and a useful example to commerce. He wished to impress upon the law clerk, whether he were a judge's, a barrister's, or a solicitor's clerk, the attraction and the advantages of the United Law Clerks' Society. Surely, it was an attraction to them that by their contributions they were helping the brother who was down on his luck. Surely, it was an advantage to some of the members that a brother member's contribution was helping him when he was in a similar unfortunate position. The Society had existed for nearly a hundred years. It had gone from strength to strength. Originally it confined its activities to the London area. He was glad to say that this year it had opened its hospitable doors to the whole of England, so that law clerks from Land's End to the Tweed were eligible for membership. Its great objects were thrift, mutual help and benevolence. The annual report showed the large sums it dispersed in superannuation allowance, in sickness allowance, and for medical benefits, and although there was a proverb that "charity begins at home," the United Law Clerks' Society saw to it that charity did not end there, for it had a benevolent fund out of which it relieved the necessities of clerks and their dependents who were not members of the Society. He could not but say how much they all deplored the loss of Sir Reginald Acland, who had for many years been one of its trustees. He had always been a devoted supporter of the Society. He had gone to his rest beloved by all who knew him. It appeared that the Society was worked economically and efficiently. The management expenses were low and the funds were well invested. One thing he would very much like to see, namely, that the annual subscription list should be increased. If that could be got to four figures it would be a great achievement. He happened to be treasurer of several societies of the kind, and he could say from experience that there was nothing so dear to a treasurer's heart as a banker's order. It was no trouble to the man who gave it. When he came to look through his pass-book for the only time in the year, just before the long vacation, he never missed the guinea that was given in such a case. On the other hand, the treasurer had never to write to remind him that his subscription was two years in arrear, and that he would be very glad of a remittance. A banker's order was twice blessed, it blesses him who gives and him who takes. A month ago he was dining in the company of some distinguished lawyers, and they were all depressed and dejected, and the reason was not far to seek. Those unfortunate men were all super-tax payers, and one and all of them were looking forward with some apprehension to April the 29th. They were saying they were afraid they would have to put down their wives' motor cars and practise other economies. To those super-tax payers he would like to send a message—this was an occasion peculiarly appropriate for sending in a thank offering to the Society.

Mr. R. J. NEWMAN (chairman of the acting stewards) returned thanks, speaking of the usefulness of the Society to law clerks. The benevolent fund, he reminded them, was open to members and to non-members alike who found themselves in circumstances of difficulty and distress. The Society expended on that account during 1923 about £350, the largest amount which it had been called upon to disburse in grants for this purpose since 1906. As far as the members were concerned, there was paid out for superannuation allowances during the same period no less than £3,000, and for sickness allowances and medical benefits £839 and £145 respectively. These amounts, though considerable in the aggregate if looked at as individual items, were not large in themselves, but they were larger than other friendly societies were able to pay to their members for similar rates of contribution. He should like to make it quite clear why this was so. It was entirely because of the support which the Society received from the legal profession by annual donations and otherwise that the management were able to give the members the fullest benefits for the contributions they paid. That should be an attraction to every young lawyer's clerk to become a member of the Society. But unfortunately the young clerk of to-day was a most difficult person to persuade as to the duty of making some voluntary effort in the direction of providing for a time of need on his part over and beyond what the State did for him. The young law clerk was faced with the compulsory contributions of National Health and Unemployment Insurance, and he let it rest there, taking no thought of the desirability of making some further provision on his own account against a future contingency. It was an undoubted fact that the Society had found, since the institution of national insurance, that it was a serious competitor with the voluntary section of the Society. However, many efforts had been made to maintain the membership which, owing to that competition, had fallen during the last ten or twelve years, and he was glad to say the latest effort in that direction, namely, the abolition of the twenty-five miles limit of membership and the throwing it open to law clerks in any part of the country, was likely to work well. The management were hoping that would bring in, not a large income, but, at any rate, new members in sufficient numbers to make good the wastage which took place from year to year. If that should be the case, he was quite sure the future of the Society would be assured and that its efforts would be as successful as they had been in the past.

Sir HENRY MADDOCKS, K.C., proposed the health of "The Chairman." He said that he had heard from the committee of management of the great efforts the chairman had made to make the festival a success. The one thing the chairman valued above all others was the affection and esteem in which he was held by all those who came into contact with him.

Mr. Justice SANKEY returned thanks. He said that one thing a judge was not entitled to covet was popularity if he was doing judicial work, still more if, much against his grain, he was doing extra-judicial work. He must do what he thought was just and recommend what he thought was right, whatever the consequences might be. But although a judge was not entitled to covet popularity he was entitled to desire it, and he would be less than human if he did not value the goodwill of those among whom he lived and worked.

Mr. NEWMAN announced a list of donations amounting to £925.

Sir THOMAS INSKIP, K.C., M.P., proposed the toast "Our Guests." He coupled with the toast the names of Sir Henry McCardie and the Solicitor-General, the latter of whom, he said, had been so much occupied in clearing up the mistakes of his predecessors that he had not been able to spare time to find a seat in the House of Commons, where they so anxiously awaited his coming. He could not wish him anything better than a life long enough to fulfil all the promises of the Labour party.

Mr. Justice MCCARDIE, in responding, said he had great pleasure in being present as a comrade in the profession, remembering the old, and perhaps he might say, the happier days of the past.

The SOLICITOR-GENERAL also returned thanks. He said that Sir Thomas Inskip had wished him a long life to fulfil the promises of the Labour Government. He was glad to see that Sir Thomas Inskip recognized that the Government were proceeding so carefully and so constitutionally with their task, and he hoped the promises would be fulfilled so carefully, so slowly and so constitutionally that there would be an opportunity of meeting each other on many occasions in the future.

Mr. Frederick Arthur's Orchestra performed during the banquet, and an excellent musical programme followed.

At the Manchester Assizes on the 17th inst. Harold Thompson, twenty-five, motor-driver, of Cheetham, Manchester, was sentenced to six months' imprisonment in the second division for the manslaughter of John Henry Hurst, labourer, of Ashton-under-Lyne, during a midnight ride. The prisoner, it was stated, dashed into two gangs of men working on tram lines. Hurst was killed and three men were injured.

The Oxford Election Petition.

The following is the Certificate and Report of the Judges appointed to try the Oxford Election Petition as communicated by the Speaker to the House of Commons on Monday :—

In the High Court of Justice.

King's Bench Division.

The Parliamentary Elections Act, 1868, the Corrupt and Illegal Practices Prevention Act, 1883, and the Representation of the People Acts, 1918 to 1922.

In the matter of the Election Petition for the Borough of Oxford.

Between :

Hugh Hall and James Herbert Morrell .. *Petitioners*

and

Frank Gray .. .. *Respondent.*

To the Right Honourable

THE SPEAKER OF THE HOUSE OF COMMONS,

We, Sir John Sankey, Knight, G.B.E., and Sir Rigby Philip Watson Swift, Knight, Judges of the High Court of Justice and two of the judges on the rota for the time being for the trial of election petitions in England and Wales, do hereby certify in pursuance of the said Parliamentary Elections Act, 1868, and the Parliamentary Elections and Corrupt Practices Act, 1879, that upon the 7th, 8th, 9th, 12th, 13th, and 14th days of May, 1924, we duly held a court at the county hall in the borough of Oxford for the trial of, and did try, the Election Petition for the borough of Oxford wherein Hugh Hall and James Herbert Morrell were the Petitioners and Frank Gray was the Respondent.

And in further pursuance of the said Acts we certify that at the conclusion of the said trial we determined that the said Frank Gray was not duly elected and returned and that his election was void.

And whereas charges were made in the said petition of corrupt and illegal practices having been committed at the said election, we, in further pursuance of the said Acts report :

I. AS TO CORRUPT PRACTICES.

1. That no corrupt practice was committed by or with the knowledge or consent of the Respondent at the said election.

2. That the said Respondent was guilty by his election agent of the corrupt practice of having knowingly made the declaration respecting election expenses required by Section 33 of the Corrupt and Illegal Practices Prevention Act, 1883, falsely.

3. That James Charles Johnstone, the Respondent's election agent, was proved to have been guilty of the corrupt practice of having as election agent for the Respondent knowingly made the declaration respecting election expenses required by Section 33 of the Corrupt and Illegal Practices Prevention Act, 1883, falsely.

II. AS TO ILLEGAL PRACTICES.

1. That the said Respondent was guilty of the following illegal practices :

(*a*) Incurring expenses in excess of the maximum allowed by Law in contravention of Section 8 of the Corrupt and Illegal Practices Prevention Act, 1883 ;

(*b*) Knowingly providing money for payments in contravention of Section 13 of the said Act ;

(*c*) Making payments in respect of the conduct or management of the said election otherwise than by or through his election agent in contravention of Section 28 of the said Act.

2. That the said James Charles Johnstone was guilty of the following illegal practices :—

(*a*) Incurring expenses in excess of the maximum allowed by Law in contravention of Section 8 of the said Act ;

(*b*) Knowingly providing money for payments in contravention of Section 13 of the said Act ;

(*c*) Satisfying claims barred by Section 29 of the said Act ;

(*d*) Failing to transmit a true return respecting his expenses at the said election in contravention of Section 33 of the said Act.

3. That Eveline Reine Gray, the wife of the Respondent, Percy Linaker, and Joseph Colegrove were each of them guilty of the following illegal practices :

(*a*) Knowingly providing money for illegal payments in contravention of Section 13 of the said Act ;

(*b*) Making payments in respect of the conduct or management of the said election otherwise than by or through the Respondent's election agent in contravention of Section 28 of the said Act.

4. That there is no reason to believe that corrupt or illegal practices have extensively prevailed at the said election.

5. That certificates of indemnity have been furnished to the persons found guilty of the above-mentioned corrupt and illegal practices in pursuance of Section 59 of the Corrupt and Illegal Practices Prevention Act, 1883.

A copy of the evidence and of our judgment, taken by the deputies of the Shorthand Writer of the House of Commons, accompanies this our certificate.

Dated this 14th day of May, 1924.

JOHN SANKEY.
RIGBY SWIFT.

Legal News.

Information Required.

SIR FREDERICK WILLIAM BOWATER, deceased.—Solicitors or others having in their possession or knowing of a Will or Codicil of the above-mentioned deceased are requested to immediately communicate with Messrs. John Holmes & Son, Solicitors, 34, Clements Lane, Lombard Street, London, E.C.

Appointments.

Mr. JOHN L. FEATHER, Assistant Solicitor to the Bradford Corporation, has been appointed Deputy Town Clerk of Swansea, in succession to Mr. Holland Booth, the new Town Clerk of Dewsbury.

General.

The following announcement has been issued by Scotland Yard authorities : Sports, motor-car and other trials, and similar events on the highway.—The Commissioner desires to point out to promoters and competitors in events of this kind that the use of the highway for purposes other than *bonâ fide* travelling has no legal sanction, and that it is the duty of the police to ensure that the availability of the highway for travellers is maintained. Although he does not wish to interfere unnecessarily with legitimate sport, the Commissioner would now point out that, owing to the present congestion of the streets in Greater London and also to the fact that considerable traffic will be directed to the Wembley Exhibition and to other places of interest in the next few months, it will be increasingly difficult to prevent interference with the legitimate traffic if trials, athletic competitions, etc., take place on the highways. It should, moreover, be noted that in the opinion of the police the roads in the neighbourhood of the British Empire Exhibition are, generally speaking, quite unsuitable, having regard to the density of the traffic anticipated, for events of this kind. Notice is therefore given that in the event of any considerable nuisance or obstruction being caused or of any disorder arising from these events, the promoters and persons taking part are liable to prosecution by indictment, or by summary procedure. In any case, no police facilities can be given for the carrying out of any events of the nature referred to.

Mr. Henry Paulson Bowling-Trevanion, solicitor, of Amherst-avenue, Ealing, W., who died on 11th March, left estate of the gross value of £11,153, with net personalty £10,969.

Mr. Horace Charles Mitchell, of Coombe Lodge, New Malden, Surrey, and of Stafford House, King William-street, E.C., solicitor, Chairman of the Petersfield and Selsey Gas Company, a director of Hooper, Struve & Co., the Scottish National Securities Corporation, and the Selsey Water Co., left estate of gross value £20,989.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr. Justice Romer.
Monday May 26	Mr. Ritchie	Mr. More	Mr. Hicks Beach	Mr. Bloxam
Tuesday..... 27	Synge	Jolly	Bloxam	Hicks Beach
Wednesday.... 28	Hicks Beach	Ritchie	Hicks Beach	Bloxam
Thursday..... 29	Bloxam	Synge	Bloxam	Hicks Beach
Friday..... 30	More	Hicks Beach	Hicks Beach	Bloxam
Saturday..... 31	Jolly	Bloxam	Bloxam	Hicks Beach
Date	Mr. Justice Astbury.	Mr. Justice Lawrence.	Mr. Justice Russell.	Mr. Justice Tomlin.
Monday June 26	Mr. Synge	Mr. Ritchie	Mr. More	Mr. Jolly
Tuesday..... 27	Ritchie	Synge	Jolly	More
Wednesday.... 28	Synge	Ritchie	More	Jolly
Thursday..... 29	Ritchie	Synge	Jolly	More
Friday..... 30	Synge	Ritchie	More	Jolly
Saturday..... 31	Ritchie	Synge	Jolly	More

The Summer Assizes.

Crown Office, House of Lords, S.W.1,
19th May, 1924.

Days and places fixed for holding the Summer Assizes, 1924:—

SOUTH EASTERN CIRCUIT.

Mr. Justice Avory.
Mr. Justice Sankey.

Tuesday, 20th May, at Huntingdon.
Friday, 23rd May, at Cambridge
Saturday, 31st May, at Bury St. Edmunds.
Tuesday, 3rd June, at Norwich.
Friday, 13th June, at Chelmsford.
Wednesday, 18th June, at Hertford.
Saturday, 21st June, at Maidstone.
Monday, 30th June, at Guildford
Monday, 7th July, at Lewes.

This notice cancels the notice appearing in the *London Gazette* dated the 9th May, 1924.

Winding-up Notices.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, May 16.

THE COMMERCIAL MONOPOLIES LTD. June 16. John Baker, Eldon Street-house, Eldon-st., E.C.2.

THE TRUEFIT CLOTHING CO. LTD. June 16. John H. Freeborough 25, Figtree-lane, Sheffield.

BRITISH SHAREHOLDERS TRUST LTD. June 30. Francis C. Fry, 3 Lombard-st., E.C.3.

SCHNEIDER AUTOMOBILES LTD. May 31. Cyril William Norton, 9, Old Jewry-chmbrs., E.C.2.

RUKUBA (NIGERIA) TIN MINING CO. LTD. June 12. Francis and Johnson, 62, London Wall, Liquidators.

THE NEWINGTON ELECTRICAL CO. LTD. June 15. David Bell, 14, Dale-st., Liverpool.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, May 16.

Grantham Kinema Ltd.
Sanithomes Ltd.
J. Wright & Co. Ltd.
John Wm. Smith & Sons (Gt. Horton) Ltd.
"Filaneed" Ltd.
A. Peckston Ltd.
Heaton Bros. Ltd.
W. Hotry & Son Ltd.
The Wenvoe Iron Ore Co. Ltd.
The Touring Syndicate Ltd.
Louis Blackman Ltd.
Stephens & Cater Ltd.
E. Dechaine & Co. Ltd.
The Tees Furnace Co. Ltd.
Strode & Co. Ltd.
The New Turkish Baths Ltd.
The Pakewell Park Estate Ltd.
Radio Supplies Ltd.
The Lackenby Syndicate Ltd.
Burley-in-Wharfedale Amalgamated Trading Society Ltd.
B. E. Burgoyne Ltd.
The Sanderson Shipping Co. Ltd.
British & Colonial Kinematograph Co. Ltd.
Kegworth Manufacturing Co. (1921) Ltd.
Sand Lodge Mine Ltd.
Tully Gas Plants Ltd.
Hampton Properties Ltd.
Bertram Ison Ltd.
British Shareholders Trust Ltd.
Kitching & Manterfield Ltd.
H. Taylor White & Co. Ltd.
Gilbert Burton & Co. Ltd.
Allen Hydrostatic Pump Syndicate Ltd.
British Manufacturers Agency Ltd.
Rukuba (Nigeria) Tin Mining Co. Ltd.
The Comrades of the Great War Club and Institute Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, May 16.

ALLEN, PERCIVAL, Chesterfield, Warehouseman. Chesterfield. Pet. May 14. Ord. May 14.

ALSAGER, LAURA A., Sole, Chester, Pianoforte Teacher. Manchester. Pet. May 13. Ord. May 13.

ASH, JOHN B. W., Bayswater. High Court. Pet. Dec. 14. Ord. May 9.

BARNES, FRANCIS, Chesham, Wholesale Confectioner. Aylesbury. Pet. May 14. Ord. May 14.

BEAVAN, ALFRED H., Smethwick, Silversmith. West Bromwich. Pet. April 16. Ord. May 12.

CARLISLE MERCHANTS CO., Carlisle-av., Fenchurch-st., Merchants. High Court. Pet. April 15. Ord. May 12.

COHEN, MARK, Commercial-st., E. High Court. Pet. April 6. Ord. May 13.

COLLIN, WILLIAM H., Chelsea, Insurance Inspector. High Court. Pet. May 13. Ord. May 13.

CURNOW, JANE, Helston, Cornwall, Confectioner. Truro. Pet. May 12. Ord. May 12.

DALY, ARTHUR E., Bedminster, Brewer. Bristol. Pet. May 12. Ord. May 12.

FREEMAN, JOSEPH, Doan-st., Soho, Clothier. High Court. Pet. April 10. Ord. April 13.

FREER, MARY E., Knaresborough, Confectioner. Harrogate. Pet. May 12. Ord. May 12.

GARBETT, MATTHEW J., Manchester, Salesman. Manchester. Pet. April 8. Ord. May 12.

GARNER, EDWARD D., Norwich, Carpenter. Norwich. Pet. May 12. Ord. May 12.

HARDY, HARRY, Leeds, Off-Licence Holder. Leeds. Pet. May 13. Ord. May 13.

HEPTINSTALL, WILLIAM H., Castelford, Confectioner. Wakefield. Pet. May 10. Ord. May 10.

HOATH, WILLIAM, Loydwater, Bucks, Commission Agent. Aylesbury. Pet. May 14. Ord. May 14.

HORTON, WALTER and HORTON, ANNIE E., Waltham, Lincs, Poultry Farmers and Tea Garden Proprietors. Great Grimsby. Pet. May 14. Ord. May 14.

HOSE, THOMAS, Liverpool, Haulage Contractor. Liverpool. Pet. April 24. Ord. May 14.

JACKSON, WILLIAM A., Aspatria, Grocer. Carlisle. Pet. May 13. Ord. May 13.

JONES, ALBERT E. and LUSH, ERNEST C., Southampton, Motor Engineers. Southampton. Pet. May 10. Ord. May 10.

LEWIS, GEORGE, Llanelly, Butcher. Carmarthen. Pet. May 12. Ord. May 12.

MATHER, JOHN, Preston, Proprietor Dancing Academy. Preston. Pet. May 14. Ord. May 14.

MOORE, DAVID J., Newport, Mon., Grocer. Newport (Mon.). Pet. May 14. Ord. May 14.

PEARCE, WILLIAM L., Southsea, Hosier. Portsmouth. Pet. April 28. Ord. May 12.

PISCHER, GERTRUDE, West Ealing. Brentford. Pet. Mar. 7. Ord. May 1.

POWELL, RICHARD O., Llandwrog, Butcher. Bangor. Pet. May 12. Ord. May 12.

SASSI, LOUIS, Barrow-in-Furness, Fish and Chip Dealer. Barrow-in-Furness. Pet. May 13. Ord. May 12.

SCHUR, HARRIS, Liverpool, Cabinet Manufacturer. Liverpool. Pet. May 12. Ord. May 12.

SLATER, GEORGE, Blackpool, Builder. Blackpool. Pet. March 4. Ord. May 9.

VANN, WALTER J., Leigh (Lancs), Rubber Goods Dealer. Bolton. Pet. May 10. Ord. May 10.

WHITTINGTON, MONTAGUE, Wood Green, Furniture Dealer. Edmonton. Pet. Dec. 22. Ord. April 23.

WILDGOOSE, ALBERT E., EVANS, RICHARD H. and WILDGOOSE, HARRY, Grantham, Poultry Appliance Manufacturers. Nottingham. Pet. May 13. Ord. May 13.

WOOD, HANNAH, Pinxton, Derby, Grocer. Derby. Pet. May 12. Ord. May 12.
Amended Notice substituted for that published in the *London Gazette* of May 2, 1924.

LITTLEJOHNS, HORACE E. C., Witham, Essex. Chelmsford. Pet. Jan. 16. Ord. April 28.

London Gazette.—TUESDAY, May 20.

ALLEN, HARRY M., Tenby, Photographer. Haverfordwest. Pet. May 15. Ord. May 15.

BANDER, THOMAS, Ulverston, Draper. Barrow-in-Furness. Pet. May 16. Ord. May 16.

BARLOW, WILLIAM E., Llanrug, Carnarvon, Grocer. Bangor. Pet. May 15. Ord. May 15.

BOWERS, WILLIAM H., Castleford, Baker. Wakefield. Pet. May 15. Ord. May 15.

BURTON, FRANK, Hertford. Hertford. Pet. May 1. Ord. May 14.

CANT, FRANK, Bath, Carpenter. Bath. Pet. May 15. Ord. May 15.

DE BERE, HAROLD W., Bayswater, Company Director. High Court. Pet. May 16. Ord. May 16.

DUNSTAN, CATHERINE E., Cardiff, Building Contractor. Cardiff. Pet. April 24. Ord. May 16.

EDMUNDS, EDWARD W., Belmont, Carnarvon, Quarry Manager. Bangor. Pet. April 30. Ord. May 16.

EVANS, RICHARD H., Great Grimsby, Accountant. Great Grimsby. Pet. May 15. Ord. May 15.

FAIMAN, MAX, Croydon, Tailor. Croydon. Pet. March 27. Ord. May 15.

FLACK, THOMAS A., Gainsborough, General Dealer. Lincoln. Pet. May 15. Ord. May 15.

GEBHARD, ERICW., Birmingham, Retail Grocer. Birmingham. Pet. May 15. Ord. May 15.

HAMILTON, WINIFRED, Hogarth-rd. High Court. Pet. April 10. Ord. May 14.

HARDY, SIMON, Hendon. High Court. Pet. Jan. 18. Ord. May 14.

HILL, HENRY, Kirby-moorside, Yorks, Grocer. Northallerton. Pet. May 15. Ord. May 15.

HINCHLIFFE, JOSEPH B., Eccleshill, Sanitary Woodworker. Bradford. Pet. May 16. Ord. May 16.

HIRSCHMANN, JOSEPH, Tredegar, Medical Practitioner Tredegar. Pet. April 30. Ord. May 13.

HODGE, GILBERT A., Ashton-on-Ribble, Lancs, Wholesale Tea Merchant. Preston. Pet. May 16. Ord. May 16.

HOLDEN, HENRY, Hackney, Builder. High Court. Pet. April 10. Ord. May 14.

HOWARD, EUSTACE V., Eastbourne, Registered Medical Practitioner. High Court. Pet. May 15. Ord. May 15.

JOHNSON, WALTER H., North Hykeham, Smallholder. Lincoln. Pet. May 13. O d. May 13.

JOHNSTON, PERCY L., Falmouth, Contractor. Truro. Pet. March 26. Ord. May 15.

KNOTT, SARAH A., Eyton, Hereford, Smallholder. Leominster. Pet. May 15. Ord. May 15.

MANUFACTURERS' EXPORT ASSOCIATION, High Holborn. High Court. Pet. April 23. Ord. May 14.

MEYRICK, LOUIS, Stourbridge, General Dealer. Stourbridge. Pet. May 7. Ord. May 7.

MONK, ALBERT L., Finchley, Motor Dealer. High Court. Pet. March 3. Ord. May 14.

PRIEST, HARRY, Barnes, Garage Proprietor. Wandsworth. Pet. April 9. Ord. May 15.

RAWLINGS, JAMES, and RAWLINGS, BESSIE, Bridport, Greengrocers. Dorchester. Pet. May 16. Ord. May 16.

ROBINSON, STANLEY, Kingston-upon-Hull, Fruit Merchant. Kingston-upon-Hull. Pet. May 14. Ord. May 14.

SCRIVENER, JAMES H., Tattingstone, Suffolk, Licensed Victualler. Ipswich. Pet. May 10. Ord. May 10.

SHEPHERD, WILLIAM S., Upper Ground-st., Blackfriars, Builder. High Court. Pet. Nov. 23. Ord. March 6.

SPEARMAN, HENRY P., Guildford, Master Plasterer. Guildford. Pet. May 17. Ord. May 17.

STURGESS, FRANCIS G., Llandilo, Saddler. Carmarthen. Pet. May 15. Ord. May 15.

TAYLOR, JAMES, Chorley, Rope Maker. Preston. Pet. May 16. Ord. May 16.

THOMAS, EDGAR L., Clifton, Bristol. Bristol. Pet. May 2. Ord. May 15.

TINDALL, JOSEPH S., Kingston-upon-Hull, Draper. Kingston-upon-Hull. Pet. April 28. Ord. May 16.

TURNER, CHARLES, Kendal, Consulting Motor Engineer Kendal. Pet. May 16. Ord. May 16.

TURNER, WILLIAM S., Kingston-upon-Hull, Builder. Kingston-upon-Hull. Pet. May 15. Ord. May 15.

WALKER, THOMAS R., Torquay, Greengrocer. Exeter. Pet. May 15. Ord. May 15.

WHITEHOUSE, GEORGE, Bobbington, nr. Stourbridge, Farmer. Stourbridge. Pet. May 15. Ord. May 15.

WILD, GEORGE H., Uppermill, Yorks, Auctioneer. Oldham Pet. May 5. Ord. May 15.

WILLIAMS, GEORGE, Swansea, Omnibus Driver. Swansea. Pet. May 15. Ord. May 15.

WILSON, A. J., Tufnell Park. High Court. Pet. Feb. 19. Ord. May 15.

WOODHEAD, ERIC M., and BURNELL, ALBERT, Liscard, Motor Tyre Dealers. Birkenhead. Pet. April 23. Ord. May 14.